

2976. Also, petition of J. Engel & Co., of Baltimore, Md., protesting against the passage of House bill 12378; to the Committee on Banking and Currency.

2977. By Mr. RAKER: Petition of Santa Rosa, Calif., Chamber of Commerce, urging the enlargement of the arsenal and yard at Benicia, Calif.; to the Committee on Naval Affairs.

2978. Also, petition of Santa Rosa Chamber of Commerce, Santa Rosa, Calif., urging the repeal of the excess-profits tax and urging a more equitable and just tax; to the Committee on Ways and Means.

2979. Also, petition of sundry citizens of California, favoring the passage of House bill 1112; to the Committee on the Judiciary.

2980. By Mr. TAGUE: Petition of Canadian Patent Medicine Agency favoring continuation of free collection of checks through Federal reserve banks; to the Committee on Banking and Currency.

2981. Also, petition of Howes Bros. Co., of Boston, Mass., favoring simplification of exportation tax exemption regulations; to the Committee on Ways and Means.

2982. By Mr. TEMPLE: Petition of the Eldore Women's Christian Temperance Union, favoring House bill 8063; to the Committee on Foreign Affairs.

2983. Also, petition of the Ladies' Auxiliary of the Ancient Order of Hibernians, at Canonsburg, Pa., to secure justice for the Irish people; to the Committee on Foreign Affairs.

2984. By Mr. YATES: Petition of Illinois State Dental Society, Peoria, Ill., urging that the Dental Corps have the same status as the Medical Corps of the Army, and favoring military training; to the Committee on Military Affairs.

2985. Also, petition of McNeil & Higgins Co., of Chicago; George B. Stadden, president Franklin Life Insurance Co., Springfield; Stuber & Keck, of Peoria, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, April 16, 1920.

(Legislative day of Thursday, April 15, 1920.)

The Senate reassembled at 12 o'clock noon, on the expiration of the recess.

DISTRICT STREET RAILWAYS.

Mr. JONES of Washington. If the Senator from New York [Mr. WADSWORTH] will yield to me for a moment, I desire to offer a Senate resolution and ask that it may be read and lie on the table.

Mr. WADSWORTH. I yield for that purpose.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 351) was read, as follows:

Whereas repeated demands for higher wages are made by the employees of the street railways of the District of Columbia;
Whereas such demands are followed by requests from the railway companies to the Public Utilities Commission for permission to raise their fares;
Whereas such requests seem to be uniformly granted on the alleged ground that the companies must make dividends on their stock of from 6 to 7 per cent;
Whereas by this method the whole burden of maintaining stock dividends and the expenses of operating the railroads is placed upon patrons of the roads;
Whereas the patrons of these roads are largely Government employees with fixed salaries and people of limited means;
Whereas one road appears to make money and the other does not;
Whereas a limit will be reached at which the patrons will cease using the railroads whenever it is possible for them to do so, and bankruptcy to the railroads will result;
Whereas with all the increases in fares the service furnished by said roads is abominable and can hardly be worse; and
Whereas both roads ought to be under one ownership and management, and certain power plants that are necessary in connection with their operation should be taken over: Therefore be it

Resolved, That it is the sense of the Senate that the street railways of the District of Columbia and the necessary power plants operated in connection therewith should be taken over, owned, and operated by the District of Columbia or the Government of the United States; and the Senate Committee on the District of Columbia is hereby directed to formulate and present to the Senate at as early a date as may be practicable, for its consideration, legislation to bring this about.

The PRESIDENT pro tempore. The resolution will lie on the table and be printed.

ESTABLISHMENT OF MILITARY JUSTICE.

Mr. WARREN. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 64) to establish military justice.

I take this opportunity to submit the report, and I shall hope, after the bill as amended is printed, to have it considered at an early day.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REORGANIZATION OF ADMINISTRATIVE BRANCHES.

Mr. SMOOT. I introduce a joint resolution, and as it is a very important one, in my opinion, I ask that it may be read.

The joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That a joint committee is created, to be known as the "Joint Committee on Reorganization," which shall consist of three Members of the Senate to be appointed by the President thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointments.

SEC. 2. It shall be the duty of the Joint Committee on Reorganization to make a survey of the administrative services of the Government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what redistribution of activities should be made among the several services, with a view to the proper correlation of the same, and what departmental regrouping of services should be made so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated, to the end that there shall be achieved the largest possible measure of efficiency and economy in the conduct of Government business.

SEC. 3. The committee shall, from time to time, report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the coordination of Government functions and their most efficient and economical conduct. The committee is authorized to employ such assistance as it may require, at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies.

SEC. 4. The officers and employees of all administrative services of the Government shall furnish to the committee such information regarding powers, duties, activities, organization, and methods of business as the committee may from time to time require, and the committee, or any of its employees when duly authorized by the committee, shall have access to and the right to examine any books, documents, papers, or records of any administrative service for the purpose of securing the information needed by the committee in the prosecution of its work.

Mr. SMOOT. I do not intend to take the time of the Senate this morning to call attention to the duplication of work which is now found in the different departments of the Government. I have a great deal of matter prepared—it is not complete, however—and at some future time I wish to call the attention of the Senate to the facts, showing that there must be some kind of readjustment of the activities of the departments of our Government if we ever intend to do away with the wicked duplication of work now going on in these departments.

I move that the joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

NITRATE OF SODA.

Mr. SMITH of South Carolina. Yesterday the Chair laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda. The joint resolution relates to the distribution or the sale of nitrate by the War Department. Objection was not made to the amendment of the House, but it was asked that it might go over until to-day until I could confer with the department from which it was supposed the objection came. There was a misunderstanding about it. It is now perfectly clear. The department now understands that the joint resolution as it came from the House provides that as soon as this substance is sold the money that is obtained for it shall be used to repurchase and keep the quota intact. There is no further objection to the amendment of the House, and I hope it will be acted upon now, because it is a case of emergency.

Mr. WADSWORTH. I will have no objection if there is no debate. If it gives rise to debate and the consumption of time, I shall have to object.

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate concur in the amendment of the House to the joint resolution.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 400)

authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELSTON, Mr. DALLINGER, and Mr. CARTER managers at the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 795. An act for the relief of Arthur Wendle Englert;

H. R. 6025. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

H. R. 9065. An act to amend certain sections of the Federal farm loan act approved July 17, 1916;

H. R. 11877. An act granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties; and

H. R. 12889. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near Division Street, in the city of Youngstown, Ohio.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition of Shiawasse Chapter, Daughters of the American Revolution, of Owosso, Mich., praying for the passage of the so-called Kenyon-Vestal Americanization bill, which was ordered to lie on the table.

Mr. KENYON presented a memorial of sundry citizens of Winneshiek County, Iowa, remonstrating against the adoption of universal military training, which was ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Hanna, Wyo., remonstrating against the enactment of legislation to exclude foreign publications from second-class mailing privileges, etc., which was referred to the Committee on Post Offices and Post Roads.

MERRITT & CHAPMAN DERRICK AND WRECKING CO.

Mr. CALDER. I ask unanimous consent for the consideration of the bill (S. 3294) for the relief of the owner of the derrick *Concord*. I will state to my colleague that if it gives rise to any discussion I shall not press its consideration.

Mr. WADSWORTH. With that understanding, I make no objection.

Mr. SMOOT. I ask the Senator from New York why he asks for the passage of the bill at this time?

Mr. CALDER. The bill permits the owner of the derrick *Concord* to go into court and sue for damages to his vessel.

Mr. SMOOT. There are a half dozen such bills on the calendar.

Mr. CALDER. This was the only one objected to when the calendar was under consideration. Its passage is recommended by the Navy Department. The owner of the injured vessel must go into court and press the matter in court and obtain the verdict of the court.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read. I have not a copy of the report on my file.

Mr. CALDER. I hand the Senator a copy of the report.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The bill was read, as follows:

Be it enacted, etc., That the claim of the owner of the derrick *Concord*, arising out of collision between said derrick and the U. S. S. *Robin* on January 10, 1919, at the north pier of the Merritt & Chapman Derrick and Wrecking Co.'s dock at the district salvage base, Stapleton, Staten Island, N. Y., for and on account of the losses alleged to have been suffered in said collision by the owner of said derrick *Concord* by reason of damages to said derrick, may be submitted to the United States court for the eastern district of New York under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal.

SEC. 2. That should damages be found to be due from the United States to the owner of said derrick *Concord*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provision of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SMOOT. I move to strike out section 2 of the bill. I do this in conformity with the action taken by the Senate on all previous bills of this kind.

The amendment was agreed to.

Mr. SMOOT. After the word "Section" in line 16, on page 2, I move to strike out "3" and insert "2," so as to read "Section 2."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS FOR SOLDIERS OF SPANISH WAR, ETC.

Mr. NEW, from the Committee on Pensions, to which was referred the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, reported it without amendment and submitted a report (No. 527) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4229) granting an increase of pension to Kate M. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4230) granting an increase of pension to Joseph Tanco, jr.; to the Committee on Pensions.

By Mr. KNOX (by request):

A bill (S. 4231) for the relief of certain estates; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4232) granting a pension to Neil J. Devlin;

A bill (S. 4233) granting a pension to Mary C. F. Warren; and

A bill (S. 4234) granting a pension to Gustav A. Schlott; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 4235) granting a pension to Joshua H. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4236) granting a pension to Charles Layton (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 4237) providing for the coinage of a 7-cent piece and an 8-cent piece; to the Committee on Banking and Currency.

PENSIONS AND INCREASE OF PENSIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which was ordered to lie on the table and be printed.

NATIONAL PROHIBITION.

Mr. SHEPPARD. Mr. President, I present a court decision and three briefs relating to prohibition cases before the Supreme Court and ask that they be referred to the Committee on Printing with a view to being incorporated in a public document in connection with a similar brief heretofore presented.

The PRESIDENT pro tempore. The matter will be referred to the Committee on Printing for action.

SIoux INDIAN CLAIMS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. SPENCER, Mr. McNARY, and Mr. JOHNSON of South Dakota conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13, 1920:

S. 2811. An act for the relief of the York County Savings Bank, of Biddeford, Me.; and
S. 3187. An act to dispose of a certain strip of public land in Waterville, Me.

On April 15, 1920:

S. 2786. An act authorizing the sale of lands in Gregory County, S. Dak.;

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota;

S. 3779. An act to authorize the Ozark Forest road improvement district of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfork, Ark.;

S. 3813. An act to authorize the construction of a bridge across Lake Champlain, between the towns of Shoreham, Vt., and Ticonderoga, N. Y.; and

S. 4082. An act to amend section 4878 of the Revised Statutes as amended by the act of March 3, 1897.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from New York [Mr. WADSWORTH].

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Glass	McKellar	Smith, Ariz.
Brandegee	Harris	McNary	Smith, Md.
Calder	Harrison	Myers	Smith, S. C.
Chamberlain	Jones, Wash.	Nelson	Smoot
Colt	Kellogg	Nugent	Spencer
Comer	Kendrick	Overman	Swanson
Culberson	Kenyon	Page	Thomas
Cummins	Kirby	Philpps	Townsend
Curtis	Knox	Pittman	Wadsworth
Dial	McCormick	Reed	Warren
Edge	McCumber	Sheppard	Watson

Mr. CURTIS. I wish to announce the absence of the Senator from Maine [Mr. HALE], the Senator from New Hampshire [Mr. KEYES], and the Senator from Florida [Mr. TRAMMELL], in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

Mr. McKELLAR. The Senator from California [Mr. PHELAN], the senior Senator from Louisiana [Mr. RANDELL], and the junior Senator from Louisiana [Mr. GAY] are necessarily absent.

The Senator from Florida [Mr. TRAMMELL], the Senator from Arizona [Mr. ASHURST], the Senator from Delaware [Mr. WORCOTT], and the Senator from Rhode Island [Mr. GERRY] are absent on official business.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The names of the absent Senators were called, and Mr. GRONNA, Mr. POMERENE, Mr. STERLING, Mr. SUTHERLAND, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. LODGE, Mr. NEW, Mr. CAPPER, Mr. SIMMONS, Mr. FRELINGHUYSEN, and Mr. DILLINGHAM entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present. The question is upon the amendment proposed to the pending bill by the Senator from New York [Mr. WADSWORTH].

Mr. McKELLAR. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 10, beginning in line 12, after the words "Philippine Scouts," it is proposed to strike out the two provisos beginning on that page, which read as follows:

Provided, That, beginning with the fiscal year after the year in which the system of military training hereinafter provided for shall have been established, the total permanent personnel herein authorized and that hereinafter authorized for detail or assignment to each of the several arms, corps, and services shall be decreased, as follows: Commissioned officers, 2 per cent per annum for five successive years; enlisted men, 5 per cent per annum for five successive years: Provided further, That the decreases provided for in the next preceding proviso shall be distributed

proportionately among the several commissioned and enlisted grades, and, during the period of decrease vacancies occurring in such grades shall not be filled until the decreases herein provided for have been made.

Mr. WADSWORTH. Mr. President, just a word or two, on the assumption that perhaps there are some Senators here this morning who were not here day before yesterday, when the pending amendment was offered, to hear the reasons for its being offered.

The Committee on Military Affairs had hoped that universal military training would be accepted, and with that hope and on that theory it had provided by these two provisos that the Regular Army should be progressively reduced as the training program was developed and perfected; but as the training program on a universal basis has been stricken from the bill as originally drawn, the committee believes that it would be unwise and unsafe to prescribe at this time that the Regular Army shall be reduced to such a low figure.

May I say that the number fixed in the pending bill of 280,000 men at that is 20,000 less than the number fixed in the bill which has already passed the other House?

Mr. GRONNA. Mr. President, the Senator from New York states that the provisions for military training have been stricken from the bill. Is it not true that there is still a provision in the bill for military training, the only change being that it is made voluntary instead of compulsory?

Mr. WADSWORTH. Yes; but that is a very profound change.

Mr. GRONNA. Is it the Senator's opinion and the opinion of those with whom he has conferred that voluntary military training will not be a success?

Mr. WADSWORTH. No; we did not infer that; but we have no idea how many men will volunteer for training, and until we have some experience, to find out what the volunteer system of training is going to produce in the way of a trained citizen soldiery, we believe it would be unwise to command in a statute that the Regular Army go through this course of reduction during the next six years. Two or three years from now we can tell how many soldiers the volunteer training system is going to produce.

Mr. GRONNA. Am I right in assuming that in the pending bill there is an appropriation to take care of the training?

Mr. WADSWORTH. No; this bill does not carry an appropriation for anything.

Mr. GRONNA. But it sets up the machinery, and, of course, an appropriation for that purpose would naturally follow in an appropriation bill.

Mr. WADSWORTH. It would; yes.

Mr. GRONNA. This bill provides the machinery for training?

Mr. WADSWORTH. Yes; and if we were certain how many young men would volunteer to take the training then we could tell accurately by what number we could reduce the Regular Army from year to year, but at present it is absolutely impossible to estimate how many men will take it.

Mr. GRONNA. Then, as I understand, the Senator from New York believes it would not be safe under the present system to reduce the number of men in the Regular Army to the number provided for in the provision which he has asked the Senate to strike out?

Mr. WADSWORTH. Under the present system and at the present moment in the world's history, with conditions at home and abroad as they are to-day, I believe that it would be unsafe and unwise for the Congress of the United States to announce that the only military forces which this great Republic will have at its disposal at the end of four or five years from now will be 210,000 men.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. WADSWORTH. I yield.

Mr. FRELINGHUYSEN. Mr. President, I hope that at the present time no measures will be taken to reduce the present size of the Army. I feel that, with the present conditions in the country and the fact that it is problematical how many men we will get under the voluntary system of military training, we should have at the present time at least an Army of the size provided for in the bill; in fact, I believe we should have 500,000 men.

We have a coast line greater, possibly, than that of any other country in the world. As it now stands, this bill provides that the Coast Artillery shall be limited, I think, to 28,000 men. That will not afford a one-man relief to the guns. We are maintaining fortifications along the Atlantic coast and along the Pacific coast. In the Puget Sound section we are more strongly fortified than at any other point on the Atlantic or the Pacific

coast. This is due to the fact that it is necessary to keep the fortifications on the Pacific as strong as possible, owing to existing conditions. In Hawaii and Alaska it is contemplated to have one division of troops—that is, 27,500 men—and it is necessary to maintain in the Philippines the strength of one division. As I have said, there are 28,000 men in the coast defenses, and they are not sufficient to man the guns with a one-man relief. In Panama we need a division of troops, or 27,500 men. On the Mexican border we have now 24,000 men, who are engaged in small groups in the effort to maintain the embargo on arms against Mexico. There are 14,000 men in the Southern Department. In other words, we only have 38,000 men on the Mexican border at the present time to defend a frontier of 1,500 miles, whereas in the present chaotic condition we should have at least 150,000 men there.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to interrupt for a moment?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Arizona?

Mr. FRELINGHUYSEN. I yield.

Mr. SMITH of Arizona. I should like to suggest to the Senator in that connection that I have received a great number of appeals in the last three days for an enlargement of the forces at Douglas, Ariz. As the world knows, Sonora, which touches the United States at that point, and from there on to the Gulf of California, is in rebellion against the Carranza government and fighting is already taking place there. It is going to come close to the American border, and I am told that the town of Douglas is absolutely unequipped to meet such contingencies as might arise there. I have been begged and importuned to go to the Secretary of War in an effort to have some artillery sent to that point and to increase the number of soldiers there. As the Senator has said, that line from the Gulf of Mexico to the Pacific Ocean is practically unguarded, or at least not half so well guarded as it should be.

Mr. FRELINGHUYSEN. Mr. President, in addition to that, we have around Washington, or should have around Washington, a division stationed at Camp Meigs, Fort Myer, and at other posts near Washington, and in addition we should have a full force of marines at Quantico. The Capital of this country at this time should be amply provided with proper protection, and we can not assume that less than a division of troops should be here or in the environs of Washington to protect the National Capital.

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. FRELINGHUYSEN. I yield.

Mr. REED. What does the Senator want this large force around Washington for—because of threatened or possible internal disturbance, or because of possible external attack?

Mr. FRELINGHUYSEN. I believe that when you are providing a method of national defense the Capital of the Nation should be amply protected at all times by a sufficient number of troops to secure the safety of the Capital against any emergency. When we realize that in the Russian revolution Petrograd, a great city, and the Government were taken by a mob scarcely exceeding 2,000 men, it seems highly necessary that, at least, this Capital should be protected by an amply sufficient number of troops when we know malignant forces are working at this time in this country against the Government.

Mr. REED. Mr. President, I take it that the Senator's answer, then, really is that he wants this large army because of possible internal trouble. I am interested in this, because I tried a day or two ago to get somebody to tell me what they wanted this army for.

The Senator says that 2,000 soviet troops took the capital of Russia. Does the Senator think that the United States bears much resemblance to Russia, either in the character of its people, in the conditions which exist here, or in the character of its army? As I understand, the real trouble in Russia was that the army was in favor of the revolution. If you have that condition, the smaller your army the better off you are.

Mr. FRELINGHUYSEN. Mr. President, I quite understand the point made by the Senator from Missouri. However, I feel that it is our duty to maintain at least a sufficient force to preserve law and order, and that one of the posts that should be protected is the Capital of this country. I think that is a duty that we owe to the 110,000,000 people of this country, if we have a standing army. I am not quite sure that internal dissension and civil commotion are entirely remote. From some of the utterances and the attitude taken by certain racial groups and classes in this country I feel that at least we should have a sufficient police force to preserve law and order. How-

ever, possibly the Senator may feel that a smaller number is sufficient; in fact, he may feel that no troops are necessary. I disagree with him. I feel that at least a limited amount of armed force should be around the National Capital to protect it.

But that is the plan here—to have a division of troops at Camp Meigs and at Fort Myer, and around in the various encampments in Virginia and in the District of Columbia. The location of troops in the posts throughout the country and in our insular possessions at the present time, including 50,000 that are scattered around in other sections—Porto Rico and elsewhere—absorb 235,000 men. That includes the 19,000 men that are now in Germany. That practically leaves only 50,000 troops in this country available for immediate use, unless they are withdrawn from these posts. Now, I am not in favor of militarism. I am not in favor of an unwieldy standing army; but I do believe that in the present condition of the world we at least should have 300,000 men to do the police work of this country as a national police force, and I feel, therefore, that any effort to reduce it at this time would be unwise.

I make that statement with a sincere desire to do only what is proper for the national defense. We absorb 235,000 men in the insular possessions and in the coast defenses and in the various posts in this country; and that leaves scarcely 50,000 men, with the exception of the National Guard, who will only be called in an emergency, to defend 110,000,000 people and nearly 4,000 miles of coast frontage.

DISTRICT STREET RAILWAYS.

Mr. THOMAS. Mr. President, but very few Senators were in the Chamber this morning when the resolution offered by the Senator from Washington [Mr. JONES] was read. To my mind, that resolution brings to our attention a subject of prime importance and one upon which summary action of some sort should be taken, if possible. It was doubtless prompted by the fact that the Public Utilities Commission of the District has seen fit to grant another raise in the rates of fare on the transportation lines of the District, and that was doubtless prompted by the apparent determination of the employees of the Washington Railway & Electric Co. to go on strike if their demand for increased compensation should not be granted.

It has become the custom in America—a custom which began during the war and the end of which we can easily foresee—of organized bodies of wage earners to demand increased compensation, accompanied by a threat of strike, which demand is complied with, either in whole or in part, after due deliberation, and sometimes without deliberation, thus encouraging the practice and merely postponing the day of final collapse, because the industrial system can not sustain an indefinite development of that method of demand and increased expense.

The difficulty in this District is primarily due to the fact that the Washington Railway & Electric Co., like nearly all the corporations of the country, has been permitted to water its stock until its dropsical condition threatens its existence. I am informed that the lines which were consolidated into the Washington Railway & Electric system were secured here some years ago for less than \$10,000,000, and that the capital stock was increased to \$15,000,000, exclusive of bonds. What the bond issue is I can not say. It is very large, and because the company can not now make 6 per cent upon its capitalization it has besieged the commission for an increase, which seems to be contemporaneous with the dissatisfaction expressed by its employees.

Mr. President, an increase of 60 per cent within the last 12 months, if my recollection serves me rightly, has been made in the fares which prevailed in this District, and which, under the charters of incorporation, were presumably the maximum fares to be levied for transportation. It will be absorbed, and perhaps more than absorbed, by this increased demand of the employees, with the result that another request will be made for an additional charge, and that in all probability will be also granted.

Mr. President, I want to protest against this action of the commission, because it levies a tax, and an unbearable tax, upon the vast body of toilers in the District, those employed by the Government and those as well in private employment, to enable this one corporation to meet its expense account and pay dividends upon its enormous capitalization.

The injustice of that situation may be well illustrated by the fact that the increase is given generally, in consequence of which the other company, the Capital Traction Co., will enjoy its benefits; and I am told that it is considered one of the most prosperous institutions in the country. It has been well managed; its capitalization is comparatively small; and, even under the 5-cent rate, it was able to get along splendidly. It will take advantage of this situation, of course. The commission is therefore attempting to aid a crippled institution by compelling the

people to pay an additional charge for its services, and at the same time unduly increasing the revenues of a prosperous competitor.

We are told with every meeting of the Appropriations Committee that the cost of living is constantly mounting, thus requiring additional compensation to our employees; and that is true. But in the face of that fact, to have this commission now deliberately place this increased toll upon the earnings of the people of this District, for the purpose of saving a corporation from bankruptcy, and whose embarrassment is a direct consequence of its own conduct, can not be justified upon any system of reasoning or logic which I am capable of comprehending.

This resolution, which goes over, does not, of course, reach the immediate thing. Any action of ours may not be taken in time to prevent the accomplishment of this purpose, and once established we may not abandon these rates. I do not know what the power of Congress over the commission may be. Doubtless additional legislation will be required. But the people of this District are without relief unless Congress can grant it, and the spectacle of this commission attempting to enable a failing concern to continue as an operating concern on the one hand and inordinately increasing the profits of a profitable concern on the other is too serious to justify any long postponement of the resolution of the Senator from Washington.

In my judgment, the Washington Railway & Electric Co., instead of bolstering itself up on the earnings of the public, ought to go into the hands of a receiver. Many of the other public utilities which, taking advantage of a liberal market and an atrophied public sentiment, have swelled their capitalization into bloated proportions, thus sowing the wind, have reaped the whirlwind. Why should this concern be given the special and tender consideration which it seems to be receiving every time it makes a demand for increased compensation, when the increase means an additional tax upon the productive energies of the community and the salaries of the employees of the Government? It is no slight thing to require the average man or his wife to pay 16 cents to come from home to the center of town and return when it could be done for less than 10 cents prior to the disturbed condition brought about by the war.

This company has said, if I recollect rightly, that the increase to 8 cents is not sufficient for its purposes, and I have no doubt that that is true. But it should be compelled, Mr. President, to rely upon its own resources, just as every one, in private life at least, is compelled to do. I do not want to see these hundreds of thousands of dollars taken from the pockets of the people of the District of Columbia and poured into the coffers of a bankrupt concern and also of an unduly profitable concern merely because the former want 6 per cent upon capitalization which is so largely fictitious.

I understand some of those interested in the Washington company a few days ago purchased \$27,000 worth of the stock in New York City for \$5,000, and, of course, they want 6 per cent, not upon their \$5,000, but upon their \$27,000. Mr. President, I do not wish unduly or unfairly to criticize the action of the commission. I concede that they know more about the facts which are involved here than I do. I have no doubt that they have been actuated by high motives and the most sincere desire to meet an unfortunate situation. But however that may be, Mr. President, the fact still remains, as I have said, that it is met by increasing the cost of living to this community. Consequently every man, woman, and child in the District is interested in the subject. Therefore, I trust that this resolution will receive immediate consideration, to the end that we may be able in this emergency to extend some relief, however inadequate, to the suffering people of this District.

Mr. JONES of Washington. Mr. President, I did not intend to say anything about the resolution this morning, and I am not going to take much time in reference to it now. I did offer the resolution, however, to emphasize the situation, and I am glad that it has attracted the attention of the Senator from Colorado and that he has made the statement he has submitted.

The resolution, however, has not gone to a committee. Possibly the Senator, simply hearing it read from the desk, did not grasp the full purport of it. The resolution calls for an expression by the Senate on the question of the Federal Government or the government of the District of Columbia taking over these lines in the District. It expresses it as the sense of the Senate that we should do that, and directs the Committee on the District of Columbia to formulate legislation looking to that end.

A few years ago I was a member of a committee which investigated the street car conditions in the District of Columbia arising out of the strike which occurred at that time. I think the committee was unanimous in the view that the conditions of labor at that time were very deplorable, and that the employees were largely justified in taking the action which they did take.

The resolution which I have submitted to-day does not pretend to pass upon the merits or demerits of the demands of labor for an increase of wages. That is a question I have not looked into. I was strongly prompted to submit the resolution in order to call attention to the situation. As the Senator from Colorado has said, the people of this District must pay these increased charges, whatever they may be, and this impressed upon me that it is largely the poor people of the District, the employees of the Government, who are not getting high salaries or high wages, and people of limited means who must pay largely whatever increased expense there is from the increase of these rates and wages. In other words, the people of the District who are taxed by it are the people who are really less able to bear the tax than anybody else.

The man who has an automobile is not disturbed particularly by this increase in wages and the increase in the price of street car tickets. He gets around without any additional cost or expense. People who live within a mile, or two miles, possibly, of their work can also get to their work without suffering very much from this increased tax. But the great mass of the people who patronize, and must patronize, the street car lines are people who are not really able to pay the increased cost that must be imposed upon them by the increased price of fares. It is in the hope of saving them from this tax and this burden that I have called attention to the situation here.

Furthermore, I can not understand why the Public Utilities Commission feels that it is absolutely incumbent upon it to fix rates here so as to practically guarantee a company a 6 or 7 per cent dividend.

Mr. NUGENT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield to the Senator.

Mr. NUGENT. The Senator from Colorado a few moments ago made a statement to the effect that this property was recently purchased for about \$10,000,000.

Mr. THOMAS. No; not recently—some years ago.

Mr. NUGENT. Some years ago, then, it was purchased for about \$10,000,000; and the Senator stated that in the intervening years the capitalization has been increased to something in the neighborhood of \$30,000,000. I desire to ask the Senator from Washington whether he has any definite information in respect to that matter?

Mr. JONES of Washington. I think the Senator from Colorado is correct. I have not looked it up lately.

Mr. NUGENT. I desire to ask the Senator from Washington, further, whether, in his opinion, the Washington Railway & Electric Co. is a bankrupt concern, or whether it is a paying concern?

Mr. JONES of Washington. I think the street car line, together with the electric-power plant, which it owns, practically, and operates in connection with its railroad, is a paying concern. My recollection is that the testimony in the investigation we made a few years ago showed that the street car company itself was probably not on a very paying basis, but that the electric-power company, which is practically owned by the street car company, was paying very large profits.

Mr. NUGENT. I take it for granted that the Senator from Washington will not contend that there is any valid subsisting reason why the people of this community should be obliged to pay a rate of fare which would pay 6 per cent interest on about sixteen or eighteen million dollars of watered stock.

Mr. JONES of Washington. No; I do not.

Mr. NUGENT. Does the Senator from Washington know of any valid reason why, if the railroad company is a bankrupt concern, it should not be placed in the hands of a receiver and sold, as are other bankrupt concerns?

Mr. JONES of Washington. No; I do not.

Mr. NUGENT. Does not the Senator believe that that would be the proper policy to pursue in this matter?

Mr. JONES of Washington. Possibly so. I am not generally in favor of Government ownership of enterprises, but I have come to the conclusion that about the best thing for the District of Columbia, and the best way to furnish really proper and adequate service, is for the Government to take the street car lines and put them together, taking the one which is making money and the one which may not be making money, both of which, however, are operating all in the same way, and using them as one system. Then we will have better service, in my judgment, and we will have cheaper service.

Mr. NUGENT. I fully agree with the Senator.

Mr. JONES of Washington. And we will not be threatened every three or four months with a complete tie-up of the system here through strikes of employees, and so on.

Mr. NUGENT. I am in full accord with the views expressed by the Senator from Washington, and I am very strongly of the opinion that the action of the Public Utilities Commission in ordering a further increase in fares is an outrage. I am furthermore of the opinion that were it not for the powerful influences which hold this watered stock the street car company would go the way of other bankrupt concerns and its property would be sold for whatever it would bring in the open market.

Mr. DIAL. Mr. President—

Mr. JONES of Washington. I yield to the Senator from South Carolina.

Mr. DIAL. Am I to understand the Senator that this additional stock was issued without consideration? In other words, was it what is known as "watered" stock?

Mr. JONES of Washington. I do not remember the details with reference to the issue of the stock. The Senator from Colorado probably can tell the Senator.

Mr. THOMAS. I do not pretend to speak with any personal information or base my statement upon any personal knowledge. The Washington Railway & Electric Co., however, is practically a consolidation of a number of smaller going concerns. On June 5, 1900, an act was passed by Congress creating this corporation and limiting its stock issue to fifteen millions. My information is that the actual cost of the constituents of the company was between nine and ten millions. Of course, they were exchanged for the stock upon the theory that it was worth the face value. That is the way in which all issues of watered stock are covered.

Mr. DIAL. Let me state the point I am getting at. I think, perhaps, we can remedy this condition in the future if we shall pass a law prohibiting the issue of any watered stock. We had similar trouble in South Carolina, and at last we passed a law making it unlawful to issue any watered stock. There stock can only be issued for property.

Mr. THOMAS. In this particular case such legislation would be locking the stable door after the horse is stolen.

Mr. DIAL. I understand that is true in this particular case; but I agree with the Senator from Idaho [Mr. NUGENT] that if this enterprise can not run by charging a reasonable compensation for its services it should, like other unfortunate enterprises, be sold out, and let somebody buy it and put it on its feet, on a proper basis.

Mr. JONES of Washington. I think the conditions with reference to street car service in the District are becoming intolerable. Not only are the fares being raised from time to time in a very unusual degree but the service is simply abominable. It could not get much worse. Something ought to be done to meet the situation. Whether anything can be done to prevent the raise being allowed by the order of the commission that is going into effect I do not know. I do not see how anything can be done, except that we pass a law providing that fares in the District shall not exceed a certain amount, and do that before the 1st of May.

I understand from newspaper reports that this order of the Public Utilities Commission goes into effect the 1st of May. The commission have authority, under the law creating them, to regulate these rates. They have seen fit to raise the rates and have made an order increasing the rates on the 1st of May. That order will go into effect unless before that time Congress shall pass a law modifying the public-utilities act with reference to the charges that can be fixed. It occurs to me that that would probably be very difficult to do. That would only afford temporary relief. We have to meet the situation, and in my judgment it can be met now only by the Government taking hold of the matter.

I have submitted the resolution, and I expect to call it up at the very first opportunity in the hope of getting an expression from the Senate on the proposition. I have not any doubt that every Senator's mind is practically made up really as to what would be the wise thing to do, and if it should be the sense of the Senate, as declared in the resolution, then it will be a direction to the committee to formulate the legislation.

Mr. SMITH of Arizona. Mr. President—

Mr. JONES of Washington. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. Can the Senator state whether, combining the railroad properties with the power property of this corporation and taking the profits of both companies, it would require an 8-cent fare to enable them to declare a reasonable dividend on the whole investment?

Mr. JONES of Washington. I do not think so, but I am not sufficiently familiar with the details of the matter to state. In my judgment it would not be sufficient.

Mr. SMITH of Arizona. Then if with its whole property it can not produce a dividend and pay a fair rate of wages, whatever that may happen to be, does it not become essential to determine that situation, and is there anything left except a receivership?

Mr. JONES of Washington. There is nothing left except for the Public Utilities Commission to allow them to raise their rates or to have the Government take over the properties through receivership or otherwise.

Mr. SMITH of Arizona. As a business proposition, does it not require reorganization or sale or something else to relieve the condition?

Mr. JONES of Washington. Yes.

Mr. SMITH of Arizona. If they can not make any money, they are in a bankrupt condition, anyhow.

Mr. JONES of Washington. There is one of the systems of roads here in the District which is making money, and has been making money all the time. Why should we not put the two systems together and work them together?

Mr. SMITH of Arizona. I can not see any reason why that should not be done.

Mr. JONES of Washington. In that way we could work out a system of transfers and accommodation to the public and all that sort of thing that would be much better, as well as much cheaper, making it all one system. I do not think there could be any question but that the water-power system and the two lines combined as one would work along and make money without any increase in fares over and above the rate of six tickets for a quarter.

ARMY REORGANIZATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Glass	McKellar	Spencer
Brandegee	Gronna	Nugent	Sterling
Capper	Harris	Page	Sutherland
Chamberlain	Harrison	Philpps	Thomas
Colt	Jones, Wash.	Pittman	Townsend
Cummins	Kellogg	Pomerene	Wadsworth
Curtis	Kendrick	Reed	Warren
Dial	Kenyon	Sheppard	Watson
Dillingham	Lodge	Simmons	
Edge	McCormick	Smith, Ariz.	
Frelinghuysen	McCumber	Smith, S. C.	

Mr. McKELLAR. The Senator from Florida [Mr. TRAMMELL], the Senator from Rhode Island [Mr. GERRY], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. CURTIS. The Senator from Florida [Mr. TRAMMELL] is absent in attendance at a meeting of the subcommittee of the Committee on Naval Affairs.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The names of the absent Senators were called, and Mr. KIRBY, Mr. NELSON, Mr. SMITH of Maryland, Mr. SMOOT, and Mr. WALSH of Massachusetts answered to their names when called.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. WADSWORTH. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. I ask that this announcement stand for the day.

Mr. McNARY, Mr. CALDER, Mr. TRAMMELL, Mr. ASHURST, Mr. HALE, Mr. KEYES, and Mr. OVERMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is upon the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. DIAL. Mr. President, I feel that the number of the Army proposed in the pending bill is entirely too large. One-half the size proposed is sufficient. I do not see any necessity

for such a large Army at this time. We have in this country a great many soldiers and a great many ex-officers who are now out of the service. An Army of the size proposed would entail an unnecessary expense upon the people of the United States. I am told that in Panama we now have so many soldiers that they are in the way of each other; and I imagine that is the condition in some other places. This proposed legislation will impose an unnecessary burden upon our citizens. I hope we shall take steps here not only to reduce the number of the Army by adopting this amendment, but in any other way to cut down the expense involved.

Mr. McKELLAR. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KIRBY. Mr. President, I understand the pending amendment proposes to strike out the feature of the bill which provides for a reduction in the size of the Army to a certain definite number—210,000—within the next five years. I might be in favor of such a reduction, and ordinarily would be, but I should like to know if there has been any estimate or if there is any way of estimating as to how many the Army will probably be increased to by the voluntary training system which is proposed to be included in the bill?

Mr. WADSWORTH. There is no way at all of ascertaining that.

Mr. KIRBY. There is no way of estimating whether or not that plan will be a success?

Mr. WADSWORTH. I desire to say that perhaps I ought to put it in this way—that there is no way of estimating the degree of success. It is for that very reason that the committee thought it would be very unwise to lay down a general policy extending for six years to come making the Army smaller and smaller as the years go by, when we have not the slightest idea upon what we have to depend.

Mr. KIRBY. I thought with the training of the National Guard and with the number of men that ought to be developed under the voluntary training system we might very well afford to reduce the Army; but I do not know. As the chairman of the committee has stated, we are utterly at sea as to whether any particular armed force would be developed by this volunteer training system. Of course, if our young men do not take to it, it will not operate effectively.

Mr. WADSWORTH. We will be able to tell two years from now how the voluntary training system is coming on. The Senator from Arkansas will remember that the volunteer training system is not to take effect until the calendar year 1922; and, in view of that and the uncertainty of the result under it, I think it exceedingly unwise to legislate now for the size of the Army in 1927. That is why I have moved to strike out the provisos.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment of the Senator from New York.

The Reading Clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence, I withhold my vote.

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to the Senator from Wisconsin [Mr. LENROOT] and vote "yea."

Mr. MYERS (when his name was called). I observe that the Senator from Connecticut [Mr. McLEAN], with whom I have a pair, is absent. I transfer my pair with him to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who I notice is not in the Chamber. In his absence I withhold my vote.

The PRESIDING OFFICER (when Mr. SPENCER's name was called). The present occupant of the chair has a general pair with the junior Senator from New Mexico [Mr. JONES], but under the arrangement had with him feels free to vote and votes "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. He being absent, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN], but I find I am able to secure a transfer of that pair to the Senator from Maryland [Mr. FRANCE]. I make that transfer and vote "yea."

Mr. KENDRICK. I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I understand, however, that if present the Senator from Pennsylvania would vote as I have voted. I therefore let my vote stand.

Mr. SUTHERLAND. I find that I am able to secure a transfer of my pair with the Senator from Kentucky [Mr. BECKHAM] to the junior Senator from Pennsylvania [Mr. KNOX]. I make that transfer and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE].

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY].

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

Mr. PITTMAN. The Senator from Rhode Island [Mr. GERRY] is absent on official business. If present he would vote "yea."

The reading clerk recapitulated the vote.

Mr. REED (after having voted in the negative). For the purpose of the motion I am going to make, I desire to change my vote from "nay" to "yea."

The yeas and nays resulted:

YEAS—35.			
Brandagee	Harris	Myers	Smoot
Calder	Jones, Wash.	Nelson	Spencer
Capper	Kellogg	New	Sterling
Chamberlain	Kendrick	Page	Sutherland
Cummins	Kenyon	Phipps	Thomas
Curtis	Keyes	Pittman	Wadsworth
Edge	Kirby	Pomerene	Warren
Frelinghuysen	Lodge	Reed	Watson
Hale	McCumber	Smith, Ariz.	
NAYS—12.			
Dial	McKellar	Overman	Smith, S. C.
Gronna	McNary	Sheppard	Trammell
Harrison	Nugent	Simmons	Walsh, Mass.
NOT VOTING—49.			
Ashurst	Gay	Lenroot	Shields
Ball	Gerry	McCormick	Smith, Ga.
Beckham	Glass	McLean	Smith, Md.
Borah	Gore	Moses	Stanley
Colt	Harding	Newberry	Swanson
Comer	Henderson	Norris	Townsend
Culberson	Hitchcock	Owen	Underwood
Dillingham	Johnson, Calif.	Penrose	Walsh, Mont.
Elkins	Johnson, S. Dak.	Pheasant	Williams
Fall	Jones, N. Mex.	Poindexter	Wolcott
Fernald	King	Ransdell	
Fletcher	Knox	Robinson	
France	La Follette	Sherman	

The PRESIDING OFFICER. On the amendment of the Senator from New York the yeas are 35, the nays are 12. The Senator from Virginia [Mr. GLASS], the Senator from Maryland [Mr. SMITH], the Senator from Michigan [Mr. TOWNSEND] are present, but have announced their pairs. A quorum is therefore present, and the amendment is agreed to.

[Mr. REED addressed the Senate. See Appendix.]

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Missouri [Mr. REED] to reconsider the vote by which the amendment proposed by the Senator from New York [Mr. WADSWORTH] was agreed to.

The motion to reconsider was rejected.

Mr. WADSWORTH. Mr. President, on behalf of the committee, and pursuant to a notice given several days ago, I present an amendment, which has been printed, which affects the Judge Advocate General's Department.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 32, line 6, after the word "purpose," it is proposed to insert:

Immediately upon the passage of this act the number of colonels in the Judge Advocate General's Department shall be increased by five, and the vacancies thus created shall be filled by promotion as heretofore provided by law.

The PRESIDENT pro tempore. Does the Senator from New York ask that this be considered as one amendment or as four?

Mr. WADSWORTH. Mr. President, it is true that there are four amendments. They are all really linked together in their effect, however.

The READING CLERK. In line 9, strike out "major" and insert "captain."

In line 12, after "act," insert:

Vacancies remaining or occurring in the Judge Advocate General's Service, after the original appointments in the field grades authorized in section 42 of this act have been made, shall be filled by the assignment thereto of officers of the permanent personnel in their proper grades from captain to colonel, inclusive, as provided by this act; by the appointment in the grade of captain of first lieutenants of the permanent personnel; or by the appointment in the grade of captain of reserve officers not under 30 years of age of the Judge Advocate General's Service. Appointments in the grade of captain herein provided shall be subject to such examination as the Secretary of War may prescribe. Reserve officers so appointed in the grade of captain shall be considered as having had on the day of appointment sufficient prior service to entitle them to promotion to that grade and shall be placed accordingly upon the promotion list provided for in section 43 of this act.

On page 51, line 11, after "proposed," insert:

Provided, That any person under 54 years of age having special scientific, technical, or professional qualifications, and who is otherwise eligible for appointment to a field grade under the provisions of this section, may, upon the recommendation of the chief of such service and the concurrence of the board of general officers herein provided, be appointed to the grade of colonel, lieutenant colonel, or major, as provided in this section without reference to the minimum age limits otherwise prescribed for appointments in such grades. But no such person under 34 years of age shall be appointed to any field grade.

Mr. McKELLAR. Mr. President, I offer a substitute, which I send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will read the proposed substitute.

The Reading Clerk read as follows:

The permanent personnel of the Judge Advocate General's Service shall consist of 1 Judge Advocate General with the rank of major general, 1 Assistant Judge Advocate General with the rank of brigadier general, 16 colonels, 32 lieutenant colonels, and 72 majors. The Judge Advocate General and Assistant Judge Advocate General shall be appointed from officers of the Judge Advocate General's Department not below the grade of lieutenant colonel.

Except as in this section otherwise provided for, all officers of the Judge Advocate General's Service shall be permanently commissioned therein. One-half of the vacancies created by this section in each of the grades of colonel and lieutenant colonel shall be filled by the appointment to date from July 1, 1920, of persons, other than officers of the Regular Army, who having served as officers in or with the Judge Advocate General's Department during the present emergency have demonstrated their qualification therefor; and all vacancies in any grade which can not be filled by the promotion of officers holding permanent commissions in the Judge Advocate General's Department, may be filled by appointment as last above provided for. Vacancies in the grade of colonel and lieutenant colonel which are not filled by such appointments shall be filled by the promotion, to date from July 1, 1920, according to present seniority of officers in Class A, as provided for in section 44 of this act, now holding permanent commissions in the Judge Advocate General's Department. All vacancies created or caused by this section in the grade of major shall be filled, subject to such examination as may be prescribed, by the appointment to date from July 1, 1920, of persons, members of the bar and learned in the law, who served in the Army of the United States at any time between April 6, 1917, and June 30, 1919, and all vacancies remaining or thereafter occurring in the grade of major shall be filled, subject to such examination as may be prescribed, by the appointment of persons, members of the bar and learned in the law, selected from officers of the Regular Army, the Judge Advocate General's Officers' Reserve Corps, the National Guard, or civilian members of the bar. Officers appointed by selection under the foregoing provisions may be arranged in order of rank among themselves and with reference to officers promoted as of the same date, without regard to prior commissioned service: *Provided*, That the present order of lineal rank among themselves of officers now holding permanent commissions in said department shall not be disturbed thereby.

The President may assign to duty with the branch of the Army from which he was selected for appointment in the Judge Advocate General's Department any officer holding a commission in that department, and from and after such assignment such officer shall be regarded for all purposes as an officer of the branch of the service to which he has thus been assigned.

The reserve personnel shall consist of all reserve officers and reservists assigned to the Judge Advocate General's Service as provided for in this act.

Nothing contained in sections 42 and 43 of this act shall apply to or affect the Judge Advocate General's Service or the officers thereof.

On page 48, section 41, line 24, after the comma at the end of the word "general" and before the words "the Quartermaster General" insert the words: "the Assistant Judge Advocate General."

Mr. McKELLAR. Mr. President, as you know, during the war there were many criticisms of the Judge Advocate General's Department, and this amendment, which I propose as a substitute, has been carefully prepared by the department for

the purpose of democratizing the Judge Advocate General's Department as far as possible. There is a very small body of officers in the regular personnel of the Judge Advocate General's office, I think only about 28 or 30 officers, if I remember the number accurately. All the rest will go out. The department asks for 120 officers, and it seems to be the consensus of opinion that, owing to the great amount of work that is piled up in that department as a result of the war and the work which will be there for a number of years to come, this number, 120, should be allowed; and, in so far as the number is concerned, this substitute does not differ from the amendment offered by the Senator from New York.

But there are a number of differences in the method of appointment. I want to read very briefly a statement from the department, and I will say that the amendment offered bears the approval of the department and of Gen. Crowder, the head of the department, as I understand, as well as of the Secretary of War. The statement reads:

"A very careful study of the situation has been made in the department to determine the smallest number of officers who will be sufficient to handle its business. Under existing law the emergency officers now connected with the department will return to their private practices at the expiration of the present fiscal year. When that time comes there will, of course, be a considerable volume of business growing out of the war which is to be regarded as abnormal. In making provision for the number of permanently commissioned officers in the Judge Advocate General's Department the amount of this abnormal business has been eliminated from consideration and the number has been carefully fixed with reference to the volume of business that may fairly be expected to continue after such abnormal business has been disposed of. The number of permanently commissioned officers thus determined will certainly not be less than 120. This is the number asked for in the proposed amendment. It may become necessary to increase this number, but it seems impossible that the actual requirements after normal conditions are restored will fall below this number. Until these conditions are restored, the 120 permanent officers asked for will be inadequate to cope with the volume of work, which on the whole is increasing rather than diminishing. The plan formulated in the amendment now advocated by the Judge Advocate General can only be put into effect at the end of the present fiscal year by assuming that a sufficient number of officers can temporarily be detailed to the Judge Advocate General's Department to afford assistance roughly commensurate with the abnormal temporary excess of work."

"If the number of officers asked for seems high to the average Member of Congress, that must be due to a general misapprehension of the volume, nature, and importance of the functions of the officers of the Judge Advocate General's Department. It is not generally understood that these functions extend beyond the conducting and reviewing of the proceedings of courts-martial and drawing, in a more or less perfunctory way, military contracts. As a matter of fact, the legal work of the War Department, all of which falls upon the Judge Advocate General, comprises every field known to the law. It is safe to say that no Federal court or any other court has occasion to consider questions wider in range than those considered by the officers of the Judge Advocate General's Department."

In this connection I wish to say that the Judge Advocate's Department recruits its forces from civilians in order to get the best service. It is impossible to take the young men who graduate from West Point or the young men who are in the line of the Army from civil life and from them select men who will make the kind of a department the Judge Advocate General's Department should be. They need trained lawyers; they need the very best kind of lawyers, and during this emergency they have had in that department a number of the most excellent and the very best lawyers.

Naturally they desire to keep as many of these lawyers in the department as they can, and this substitute provides the means by which they can be kept, the highest officer among these officers to be selected from civil life being colonel. It is possible under the substitute to appoint colonels from these men who are already in the service temporarily, and not lower than major, and it fixes no limitation as to age, and this policy should be adopted. They have some very excellent lawyers there in the department already doing splendid work, who would probably be too old under the Wadsworth amendment, and others who are doing splendid work who would probably be too young. We who are lawyers all know that the question of age does not affect a lawyer a great deal, unless he is very young or very old. Some of the very best lawyers I have ever known were at their

best before they were 30; others did not reach their best until they were 60. It is a matter of temperament with lawyers, and this substitute provides that the department may have its pick and get the very best.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. KENYON. Right along that line I would like to ask the Senator to consider this hypothetical case: Suppose a lawyer went into the service of the Government in this department during the war, a man, we will say, 52, 53, or it may be 54 years old, and rendered splendid service to the Government, a strong lawyer, who desired to stay with the Government. Under the substitute of the Senator from Tennessee, could such a man be kept in the department?

Mr. McKELLAR. Yes. I read from page 2 of the substitute:

One-half of the vacancies created by this section in each of the grades of colonel and lieutenant colonel shall be filled by the appointment, to date from July 1, 1920, of persons, other than officers of the Regular Army, who having served as officers in or with the Judge Advocate General's Department during the present emergency have demonstrated their qualification therefor.

Mr. WADSWORTH. Mr. President, may I suggest that the portion of the Senator's amendment which wipes out all limitations as to age is found at the bottom of page 3?

Mr. KENYON. In any event one-half would be appointed from civilian life?

Mr. McKELLAR. Of the lieutenant colonels there will be at least half, and there will be a portion of the colonels who are appointed from those men, and all limitations as to age are wiped out by this proposed substitute.

Mr. KENYON. Does the substitute provide that a certain number of the colonels shall be appointed from that class of men?

Mr. McKELLAR. Yes. I am not good at remembering numbers exactly, but I think there are some 28 officers, and probably about half of the colonels and lieutenant colonels will be appointed from the Regular Establishment and about half will be civilian appointments, and if the substitute shall be agreed to the department will have no limitations as to age.

Mr. President, I want to proceed just a little further about the nature of this work, and I read from this report of the department on this subject:

"4. The nature of the work: The functions of the department are essentially threefold: (a) To carry out the discipline of the Army through the system of courts-martial and other military tribunals and particularly to prevent and correct miscarriages of justice and errors in its administration."

I want to pause here long enough to say that it is very essential we should have these gentlemen from civil life to pass upon the questions arising in courts-martial. It is claimed by many people that where judge advocates come from the Regular Army their decisions are in accordance with military procedure absolutely, that they are inclined to render harsh judgments.

I do not know whether that it is true or not; but, at all events, if we fill up this corps with civilian employees, and especially from these men who have been experienced in the Great War in passing upon these questions, surely the country can feel assured that their judgments will be, for the most part, at any rate, righteous judgments, and judgments which will be fair and just to the soldiers who are being tried by these courts-martial. I think the mothers and fathers of this country will feel much easier in mind when they know that their boys who may get into trouble of one kind or another in the Army are going to have their cases reviewed, where it is proper to review them, by civilian lawyers who have been brought into the Army in this way and who are not trained Army officers, and therefore likely to be more careful of military discipline than these men who are brought in from civil life.

I read further:

"(b) Aside from offenses against discipline, to determine the rights and relations that exist between the Government, on the one hand, and officers and soldiers, on the other hand, and between the latter inter sese, and (c) to determine the rights and relations which exist between the Army and the War Department, on the one hand, and private individuals and concerns on the other."

"(1) The administration of military justice is the only part of the work of the Judge Advocate General's Department of which Congress and the public have, in general, a fair conception. It comprises the supervision of preliminary investigations, drawing charges and specifications, participating upon trials, giving advice in respect of confirming, modifying, mitigating, or annulling sentences to the convening and reviewing authorities,

including commanding generals, the Secretary of War, and the President, and, in substance, if not in theory, assuming the responsibility of a court of criminal appeals. These duties demand consummate understanding and practical grasp of legal theory and the exercise of mature wisdom, judgment, discretion, and sagacity. If the department fails in these qualities, lax discipline, fatal to efficiency, will go unpunished and unchecked, or else there will be injustice to the accused, either by way of punishing the innocent on mere suspicion or by way of visiting harsh and severe punishments on minor offenders.

"During the war the military justice work of the Judge Advocate General's office at Washington, which amounts to no more than from one-third to two-fifths of the legal work of that office, has, by comparison, been found to exceed in volume the aggregate criminal appellate court work of 39 of the States of the Union. (The present average is approximately 425 general court-martial cases per month, or over 15 cases per day.) And in this statement no account is taken of the field work of the Judge Advocate General's Department, which is quite distinct from the work of the Judge Advocate General's office. After reestablishment of peace conditions and after disposing of all the tasks created by the war, the volume of the military justice work of the department can not diminish to anything like its prewar volume. This is manifest from several considerations. First, the Army is to be about three times as large as before the war. Second, the review of court-martial records at Washington, which before the war was slight and confined to very few cases, was enormously extended in scope by General Order No. 7, War Department, January 17, 1918. This order will be made effective permanently, and the country demands that it should be. Third, there is the strongest probability that Congress will require greatly increased services by judge advocates at court-martial trials, either by acting as counsel to the accused or as a member or quasi member of the court. The present amendment, however, makes no provision for the increased personnel which such legislation will require.

"(2) Questions relating to the treatment which, under the acts of Congress, an officer or a soldier is entitled to receive from the Government and relating to the place which he is entitled to occupy with reference to his fellow officers and fellow soldiers cast upon the Judge Advocate General's Department a burden greater than would be anticipated. The questions relate not only to pay, rank, retirement, decorations, furloughs, and allowances for quarters, rations, fuel, and light, but also the management of post exchanges, the use and control of company and regimental funds, and the compensation properly awarded in case of death, injury, or disability. Unless these questions are solved legally, justly, and wisely dissatisfaction and loss of morale will be the result.

"(3) In volume and also, at least from the taxpayers' point of view, in importance the foregoing activities of the Judge Advocate General's Department are overshadowed by those incident to disposing of the questions of a business and largely of a nonmilitary nature which the Army and the War Department must solve. The tremendous increase in the absolute and relative volume of work of this sort is due to the change that has been wrought in the nature of warfare. It is no longer entirely or even principally a conflict between trained and armed men. It is now principally a contest between engines and machinery and artillery and the arts and methods of production, manufacture, and supply. The activities of this nature which the Army must exercise, and the machinery, plants, equipment, warehouses, and facilities which it must possess can never return to the prewar scale; and the legal problems are necessarily commensurate with the volume of these activities and the number and value of these properties. Work of the nature now referred to comprises at present 60 per cent to 65 per cent of the legal work of the department. With the return of peace conditions, it may probably amount to a higher percentage. That legal questions of a business and nonmilitary nature should be so numerous and important will only be understood if the fact is grasped that the War Department, with its many ramifications, is and will continue to be a prodigious business enterprise. It is engaged in business as landowner and tenant, as a manufacturer, as a warehouseman, as an employer of workmen, as common carrier, as operator of railways and ships, as a builder, owner, and charterer of ships, and as ruler of distant insular and other territorial possessions, including Porto Rico, the Philippines, and the Panama Canal Zone. If those who make claims upon the War Department are given what they are justly entitled to, the expense and delay and waste of time of public officials through unsuccessful litigations is avoided. And if correct conclusions can be reached which will prevent claimants from receiving more than they are justly entitled to, great economies in money are attained.

It would not be an exaggeration to say that the Judge Advocate General's Department has been saving and will continue to save the Government, on the average, several millions of dollars every month.

"On the whole, the Judge Advocate General's Department is the hardest worked in proportion to its numbers of any department of the Army, and it would cause the greatest loss to the country to cut down its personnel without justification.

"To convey some notion of the range and importance of the legal questions that the Judge Advocate General's Department is called upon to consider and upon which it must advise with businesslike promptness, a few such questions taken at random from those actually referred for opinion within the last few weeks, without any effort to select the most important, is appended hereto.

"5. General officers: There is agreement everywhere that the Judge Advocate General himself should continue in future to be a major general, as he has been in the past. During the war there have been four other general officers in the department. It is believed that it would be commensurate with the size of the department, as it ought to be, and would conduce to efficiency to have permanently two general officers of the rank of brigadier general in addition to the Judge Advocate General. This would accord with the two great divisions of the Washington office, viz: the military justice division and the financial or administrative law division.

"6. How newly created vacancies shall be filled: Aside from the question of the size of the department the principal question is how it shall be constituted. The department is greatly in need of additional permanent officers who have had the benefit of professional training in private practice before the ordinary courts of the land. The department was fortunate enough to be able to bring in as emergency officers during the war some of the leading lawyers of the country. The most valuable of them are still in the department. They are on the average substantially older than the regular officers and have been many years in private practice. Although they have patriotically given up their private practice to enter the Army, now that peace has returned it will be impossible to retain their services unless they can be offered commissions commensurate, at least in relation to other officers, with the work which they have been doing, which they are better qualified than others to do, and in the doing of which the department desires to continue them. To accomplish this the number of colonelcies and lieutenant colonelcies must needs be made somewhat greater than is done in either of the pending bills, and it must be made possible to offer to the most valuable of the present emergency officers permanent commissions as colonels and lieutenant colonels. If provision should not be made for them at this time and they should return to their private practice at the end of June, it would be impossible, unless this country should have a future war, to get them back into the service upon any inducement which the Government could then offer them. The best way in which the desired result can, as a matter of practice, be attained is to have Congress itself determine how many of the vacancies shall be filled by the appointment of emergency officers. In the amendment now submitted by the Secretary of War and approved by the Judge Advocate General this is taken care of by providing, in effect, that the Regular officers shall have not only the existing colonelcies and lieutenant colonelcies, but also one-half of any created colonelcies and lieutenant colonelcies, and that the emergency officers should receive the remaining one-half of the created colonelcies and lieutenant colonelcies.

"7. Wherein the pending Senate bill is deficient: S. 3792 sacrifices the Judge Advocate General's Department to considerations of mere sameness and conformity with the general scheme designed for the Army at large. No allowance is made for its needs as a distinct professional branch of the service. No difference is recognized in the qualifications of the judge advocates and other officers of the Army generally with respect either to age, service, prior professional learning, or experience. Exceptional provision has been made for the Medical Department on account of its professional character, but like consideration, although impelled by the same or more cogent reasons, has been withheld from the Judge Advocate General's Department.

"S. 3792 provides a single list of all officers of the Army arranged according to length of prior commissioned service. This scheme, ideal, perhaps, for the Army at large, is demonstrably unworkable within this small professional branch. One illustration will suffice to show this. Suppose that at the age of 35 a civilian lawyer has achieved sufficient success at the bar to be offered, and that, actuated by an unusual degree of patriotism, he hereafter accepts, a commission as major judge advocate. All the majors of the Army who held commissions as such upon his becoming a major will, of course, be promoted

ahead of him. But the crux of the situation is that every captain and every lieutenant in the entire Army, even the 21-year-old second lieutenant who shall have been graduated from West Point the day before the civilian lawyer becomes a major, will be promoted ahead of him. In other words, he must count upon never being promoted. Clearly under such a system the only members of the bar who in general could be induced to accept commissions would be those whose services would not bring to the Army any distinct benefit.

"S. 3792 does not provide a definite number of officers in any of the authorized grades for any particular branch or arm, although the total number of officers for each authorized grade is fixed for the entire Army. The number of judge advocates in each grade would depend upon such a distribution as could be obtained from the total number in each grade provided for the entire Army. If the judge advocates were distributed among the different grades in the same proportion as that which obtains for the entire Army, the Senate bill would admit of 14 colonels, 15 lieutenant colonels, and 51 majors for this department. The 120 officers sought by the amendment, if distributed in the same proportion, would give 20 colonels, 23 lieutenant colonels, and 77 majors. The proposed amendment appears conservative in fixing the number at 16 colonels, 32 lieutenant colonels, and 72 majors. The only increased provision for the Judge Advocate General's Department which is asked for is, therefore, the greater total number of officers."

Mr. President, I believe that the principal objection of the chairman of the committee to the substitute is over the rapid promotion of the 28 Regular officers now in the department that will be caused by reason of the passage of the substitute. It is true that if the single list is adopted there probably will have to be some change in the amendment, but I hope that it will not be put on the single-list basis. I do not think the department ought to be placed in that situation.

The substitute provides that men who come into the department hereafter shall be selected to a very large extent from civil life. It does not cut out the Regular Army, because that would be unfair. There are many Regular Army officers who are graduates of West Point or who come in from civil life who have a tendency toward the profession of the law.

Many times these young men are stationed at colleges as commandant or superintendent, and under those circumstances if they want to take a course in law and graduate in law and become perfected in their studies and enabled to graduate and get a license to practice law, under the provisions of the substitute they can enter into the service and it does not cut them out at all; but for the most part it provides for civilians coming into the department.

In order to get good lawyers you have to pay them. It does not pay to get in this department a man who is inefficient. The Government should have the very best. You can not get the best if you shut out from him all possibility of promotion. For that reason it seems to me that it ought to be excluded from the single list, if the single list should be adopted, and the Government should have men of such ability and such efficiency that we may know that the very best service and the very best skill and the very best ability is had in the Judge Advocate General's Department.

If the Government needs a lawyer it should have a good one. I think the provision for captains in this service is all wrong. You can not get a good lawyer anywhere for a captain's pay. The basic pay of a captain is about \$2,400, and all told, I believe, it is about \$3,000 under the present law. We can not get for that pay the kind of a lawyer that we want or that the Government ought to have or that this department ought to have. In addition to that, if we are going to shut out these men from any future promotion, of course we are not going to get them into the Army, and the kind that we will get will be the kind that the Government really does not need and should not have.

My judgment is that we ought not to make a mistake about it. This is distinctly a professional employment, distinctly so. It is an employment where we must be careful to get the best, and the only way we can get the best is to give them such salaries as will compensate them in a measure, or at least sufficiently to keep themselves and their families from want. They will take a great deal more pride in their work and will do better service if they are given some chance at promotion. If these men are brought in on the single list they will not be given that chance that they should receive in this department.

The legal department ought to be a quasi civilian department of the Government. By the terms of the substitute it is virtually made a civilian department of the Army, and it ought to be made a quasi civilian department of the Army. When I say that I do not mean to reflect at all upon the officers of the Army who have come from the Regular Army to serve in this department.

Some of them I know to be the very best lawyers and the very best kind of men. This does not exclude that kind, but what we do in the substitute is virtually to make it a civilian department, in which the whole country will have confidence. We will hear very much less, in my judgment, about the inordinate and cruel and inhuman punishments that have been inflicted by courts-martial where we have this kind of a civilian department to pass upon the mistakes of the courts-martial.

For these reasons I sincerely hope the substitute will be adopted. It is in the interest of efficiency; it is in the interest of the orderly management of the legal affairs of the Army; it is in keeping with what we ought to do. If there is to be any reorganization, let us make this a separate department and take it away from the single list, just as the Medical Department, I believe, is taken away. At all events, let this professional department, this highly skilled and highly technical department, be taken away from the single list and made separate and apart, so that the very best services can be had.

Mr. WARREN. Mr. President—

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. WARREN. I noticed in the remarks of the Senator from Tennessee references to court-martial proceedings and criticisms that have arisen, and I think the tenor of his remarks has been that the criticisms have been directed to officers of the Regular Army serving in those court-martial cases, where he assumes that the officers taken from civilian service would be perhaps less severe.

Mr. McKELLAR. That is the general public impression. I do not know whether it has any foundation or not. I do not mean to make any charge about it.

Mr. WARREN. That supposition is incorrect. There have been mistakes made, and severe sentences have been given both by officers of the Regular Army and by those of the civilian or drafted staff.

Mr. McKELLAR. That may be entirely correct. I have no information about it.

Mr. WARREN. But the most severe sentences upon the lesser crimes or misdemeanors have been administered by those taken into the service from civilian life, and who assumed that the office that they held required that in time of war punishments should be of a more severe nature than any that had been administered heretofore.

That matter all came before the subcommittee considering military justice which has been taking evidence, and there are some 1,500 pages of those hearings. I think that Senators should not maintain that there are any more criticisms due—in fact, there are less criticisms due findings of officers of the Regular Army than are due those officers taken from civilian service. I do not want to accuse those from civilian or Regular service of intentional cruelty.

Mr. McKELLAR. That may be entirely true. I am not advised as to the relative severity of the sentences inflicted by the officers of the Regular service and by those officers who came in from civilian service, but we all know from the newspapers that many complaints have come in about the cruel and inhuman punishments being inflicted.

I will ask the Senator from Wyoming if he does not agree with me that if we build up this department of men who have been trained in the temporary service during the war, coming in from civil life, splendid lawyers peculiarly trained during the late emergency for this work, that it will have a tendency to do away with the fear that this kind of punishment may be made permanent?

Mr. WARREN. Yes; I believe it will be very beneficial to the service to draw from both sources.

Mr. McKELLAR. That is all the substitute which I have offered provides. It provides that the Judge Advocate General's Department may be recruited from the National Guard, from civilian life, and from those who have served as temporary officers, as well as from those serving in the Regular Army. I hope the substitute will be adopted.

Mr. CUMMINS. Mr. President, I do not pretend to understand the application either of the amendment proposed by the Senator from New York [Mr. WADSWORTH] for the committee or the substitute proposed by the Senator from Tennessee [Mr. McKELLAR]. They are both technical and involve a knowledge of the organization of the Army which I do not possess. I have, however, a very definite thought in my mind and a very clearly defined purpose. I intend to make an appeal to the chairman of the committee to lend his influence to embody in some form, and the form is entirely immaterial to me, the purpose which I shall endeavor to express.

It is not in my mind to suggest anything that will tend to retard the promotion and the recognition of the veteran Regular Army officers who are now in the department. I know many of

them; they are highly qualified; they are exceedingly faithful; and nothing that I say must be understood as suggesting any disparagement or criticism of the work of those officers.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. McKELLAR. I merely wish to say at this point that I indorse what the Senator has said about the officers in the Regular Establishment; I fully agree with him; and if my remarks suggested anything to the contrary I did not intend them in that way.

Mr. CUMMINS. On the contrary, the observations of the Senator from Tennessee are in entire accord with the views I shall attempt to enforce, and I think I am in entire sympathy with the amendment which he proposes, but it is too complicated and too intricate for me. I intend to ask the chairman of the Committee on Military Affairs to consider just one proposition and to see that in some fashion or other it is embodied in the law.

We all know that the work of the Judge Advocate General's Department has vastly increased both in volume and in importance, and that to discharge or perform that work satisfactorily necessitates the employment of experienced, competent lawyers. The work of administering military justice is no more important, indeed, I think it is less important, viewed from one standpoint, than the interpretation and the construction of the law so far as it relates to the civil rights both of the Government and of those who enter into some kind of relation with it. Both these great departments of the law require and demand as good lawyers as we can secure.

In the course of the last three or four years and during the German war there have been called into this department necessarily a number of lawyers who are patriotically inclined, who have a natural disposition to enter the service of the Government, and who have performed the most efficient and valuable work in connection with their duties. We can not keep those men or any considerable number of them unless Congress directly and positively shall say in this bill that a certain number of them are to be retained. Because I am a lawyer, I suppose, I have been led naturally into more intimate acquaintance with the work being done in the Judge Advocate General's Department than any other department of the military branch of the Government, and I know that at this time a great many of these capable, experienced lawyers are seriously considering resignation from the service, and unless we at this time are able to give positive assurance that they may take their places as a part of the permanent personnel of the Judge Advocate General's Department, they will retire from the service.

When they do retire, I predict that it will be wholly impossible for the Secretary of War or the Judge Advocate General, no matter how much they may so desire, to fill those places with like men.

I understand that it is the ultimate purpose of the chairman of the committee as well as of the Secretary of War that a certain number of these men shall be retained; not because the department desires to favor them, but because their service is necessary in order to do the work of the department as it should be done. As we all know, it is absolutely impossible to secure the services of a good lawyer for a captain's pay or a major's pay, and I doubt very much whether it can be successfully accomplished with a lieutenant colonel's pay. The rewards of the legal profession are so rich at this time—and that has been true for years past—that the pay of a lieutenant colonel or a colonel is not very attractive compensation for men who are competent to do the work which these men are called upon now every day to do.

This is my suggestion to the chairman of the committee, and I care not whether it is embodied in some form of the amendment proposed by the Senator from Tennessee or in some form of the amendment proposed by the Senator from New York. I should like Congress to say now that in the reorganization of the Army, which we are contemplating and for which we are now providing, there shall be a certain number of colonels and a certain number of lieutenant colonels. I am not interested in any grade below that of lieutenant colonel, because I do not think we can retain the men I have in mind with the pay and the rank of less than a lieutenant colonel; but I should like it to be stated directly that of this increased force at least 6 colonels shall be taken from the emergency army of the United States, without regard to and outside of the Regular Army force, and that at least 16 lieutenant colonels who are now in the service of the United States shall be taken from the emergency army of the United States. In that way, if we will say that, and say it directly, so that it shall be understood from

this time on that we intend to reorganize the department in this fashion, we will be able, I hope and I believe, to retain these valuable men, or some of them at least, in the service. What arrangement ought to be made for majors and captains and first lieutenants and second lieutenants, I do not pretend to say.

I hope the Senator from Tennessee will not understand that I am criticizing his amendment in any way at all, but I am pointing out the thing which I think ought to be accomplished and which can be accomplished simply by saying in the amendment suggested by the Senator from New York that of this increased force at least 6 colonels and at least 16 lieutenant colonels shall be selected or chosen from the ranks of the emergency army instead of from the Regular Army.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I yield to the Senator.

Mr. McKELLAR. It is provided that there shall be 16 colonels, 32 lieutenant colonels, and 72 majors. The substitute that I have offered in terms requires that one-half of the vacancies, to wit, 8 colonels and 16 lieutenant colonels, shall be filled from the list of temporary officers.

Mr. CUMMINS. I gathered that from the amendment.

Mr. McKELLAR. That is the purpose of it. I merely wish to say that if these officers are left on a single list a man appointed as major will have nothing to look forward to, because the chances are that he will never be promoted; but if they are kept in a separate department, as the substitute proposes, then he can look forward to promotion.

Mr. CUMMINS. I am simply looking to the main point. I do not want to become involved in the controversy in regard to the single, the double, the triple, or the quadruple list. No matter what may be the policy adopted in that regard, in order to provide for the present contingency, this bill ought to declare the policy or the will of Congress in the respect that I have mentioned. I ask the chairman of the committee whether there is anything unreasonable, unfair, or likely to result in disadvantage to the United States or to the Army of the United States if my suggestion were adopted?

Mr. WADSWORTH. No, Mr. President; I do not think anything unfair or disadvantageous would result; but the desired result can be accomplished without the amendment.

Mr. CUMMINS. I understand that it can be accomplished without the amendment, but there is great fear that it will not be done unless Congress so directs. A further great consideration is that if this bill is passed and we go forward to a reorganization of the Army, which may take weeks and months, and possibly a year before the matter is finally adjusted, the men whose services I think we ought to retain will not wait for the uncertain movements of a board which is to arrange this allotment. If the Senator from New York believes it ought to be done, why should we not do it, and do it now, and do it so that everybody will understand what is to be done in that respect?

Mr. WADSWORTH. Mr. President, the Senator has referred to the element of time. The fact that we write this provision into the amendment would not immediately bring about what he desires. These men would have to be examined after the act takes effect.

Mr. CUMMINS. I am not concerning myself with those details. I assume that all the provisions with regard to ascertaining qualifications and all other matters of that kind will remain in the bill. Far be it from me even to suggest that any incompetent man shall be retained in the service, or a man who can not pass any examination which the orders of the department may require.

When we come finally to decide the matter I intend to propose just that amendment, if other amendments which are intended to accomplish the same result are not adopted. I intend to narrow it just to that one point, not by eliminating any of the precautions which the Senator from New York has embodied in his bill, but solely by providing by act of Congress that a certain number of colonels and a certain number of lieutenant colonels shall be appointed in the Regular service from the emergency Army.

Mr. WADSWORTH. Mr. President, this matter of the proper organization of the Judge Advocate General's Service is one which has disturbed the Committee on Military Affairs for several weeks. I say "for several weeks" because had we ever realized in the committee that the bill as drawn last autumn, which had been sent to the War Department for criticism and suggestions, contained provisions which adversely affected that particular service, we should have attempted to reach a conclusion last autumn. The truth is, however, that it was only about a month ago when the Judge Advocate General of the Army and the Assistant Judge Advocate General informed the committee that any trouble was pending, long

after the bill had been reported to the Senate. Since that time various proposals have been made in the way of amendments which would clear up the situation and enable the Judge Advocate General's Service to function in an efficient and adequate way; and the disposition of the committee has been all along to see to it that that service is not crippled. It is true that the bill as printed and as reported from the committee originally would have had a most unfortunate effect upon the Judge Advocate General's Service. We did not realize it at the time, not having been warned.

The amendment offered by myself is the result of a special meeting of the Committee on Military Affairs called a few days ago to consider all the different amendments and proposals that up to that time had been offered or made. The Assistant Judge Advocate General, Gen. Kreger, and his subordinates in the department have been working for some time in drafting a proposed amendment. That had been shown to me on several occasions, and it was laid before the committee. The Secretary of War had prepared by some one—I know not whom—the amendment which the Senator from Tennessee [Mr. McKELLAR] has offered, and the contents of that amendment were also presented to the committee. I have not before me a copy of the amendment suggested by the Judge Advocate General himself. Suffice it to say that it is quite different from the one suggested by the Senator from Tennessee; so that his statement that this represents the views of the Judge Advocate General to-day puzzles me somewhat, because this is not the amendment that was presented to the Military Affairs Committee from the Judge Advocate General's office.

There is no question but that the department needs 120 officers. There is no quarrel upon that point. The bill as presented gave them originally only 80 officers, and by an amendment which I offered day before yesterday we raised that number to 120. There is no question but that the department has an exceedingly heavy task and needs able men to conduct its business, and that it can not secure from the line of the Regular Army a sufficient number of experienced and well-grounded lawyers to carry on that work, and therefore that it must rely to some extent at least upon getting men from civil life to take commissions in the Regular Army from now on or induce those who are now in to stay in.

The bill as drawn does not attempt to say how many colonels there shall be in any branch of the service, nor how many lieutenant colonels there shall be in any branch, nor how many majors or captains. The bill, as I have said upon many occasions, simply provides that out of the pool of officers provided for in section 12 of the bill there shall be assigned or allotted to the several services what might be termed a standard number of officers, not fixing the grades in which they shall be appointed; and so this bill, so far as it is applicable to the Judge Advocate General's Service, provides that they shall have 120 officers in the grades of colonel to captain, inclusive—I think it is printed now, colonel to major, inclusive. The War Department can assign just as many colonels to the Judge Advocate General's Service as it pleases, or just as many lieutenant colonels, or just as many majors, or just as many captains, so long as it does not exceed the total of 120, and may exceed the total of 120 if the President authorizes it to do so. So, I say, there is no limit to the discretion in the naming of officers in the Judge Advocate General's Service in the several grades, and there is really no limit to the aggregate number if the President can be persuaded that they need more than 120 officers.

The bill, however, as reported was defective in that by putting the officers of the Judge Advocate General's Service upon the single list, a peculiar result has been brought about in that particular office. It so happens that three or four of the regular officers there, when placed upon the single list, would have been jumped by three or four other officers in the same department who would have gone over them and would have displaced them, and the service would have been disrupted to that extent. There would have been a somersaulting of officers as a result of the operation of the single list. The Judge Advocate General asked us to cure that situation by providing that there should be five more colonels in the service, and that those five colonels should be appointed according to the provisions of law existing at the time of the passage of this act. That, of course, would have resulted in the promotion of five lieutenant colonels in the Judge Advocate General's Service to the rank of colonel. That, in turn, would have permitted the commissioned personnel in the grades of colonel and lieutenant colonel to straighten itself out in such a way as that when you put the whole of them in the single list no change would have been brought about in the relative rank or grade inside the Judge Advocate General's Service.

The committee is willing to do that. My amendment provides that there shall be five additional colonels and that they shall

be promoted according to the provisions of existing law. That means that five lieutenant colonels, all Regulars, who are now in that department will become colonels.

The Judge Advocate General's Department also asked us to add 10 lieutenant colonels, to create 10 vacancies in the grade of lieutenant colonel, and that they, too, be filled by the promotion of officers now in the Judge Advocate General's service occupying the grade of major. The committee halted at that point. It had a little too much of the aspect of wholesale promotion by law, confined only to the Regular Service in that regard. Had that request been granted by the Military Affairs Committee, every officer of the Regular Establishment now serving in the Judge Advocate General's Department, with the exception of two, would have been promoted one full grade, and as a result of that would have jumped something like six years ahead of their contemporaries in other branches of the service when placed upon the single list.

We could not quite accept that proposal. We thought that was asking too much. I venture to say that nothing like it has been proposed by any other service; and if we were to do such a thing as that before we established the single list several other services would come in and would inevitably demand that we give them immediate promotion before they were put upon the single list. The committee realize that we must have civilians to piece out this department; there is no doubt about it; and so we propose an amendment to that section of the bill which has to do with the admission of emergency officers into the Regular Army. That is section 42.

Section 42 provides that at least half of the vacancies created by this act in the permanent commissioned personnel must be filled by emergency officers who are veterans of this war. Half of all the appointments that are going to be made necessary in the Regular Service must be these veteran officers. The committee placed a maximum age limitation of 50 years applicable to those appointments into the Regular Army. Of course, we must have an age limitation somewhere—I think at least we ought to—because there are several things to consider in this matter of age and rank and the amount of time which an officer may serve until he is retired. Officers must retire at 64. If we put the age limit much above 50 and allow officers to come in at 55, 56, or 57 years of age, as I have heard suggested by some of their friends, we will find them only serving six or seven years and then retiring on three-quarters pay for the rest of their lives.

That is going a little strong, so the committee had to put an age limit somewhere, and, after the best study we could give to it, we decided that, generally speaking, 50 years should be the maximum age for the admission of officers into the Regular Army. I think it has never been put as high as that before; at least not to my knowledge.

Then, it was pointed out to us that in some of the services, like Chemical Warfare, and perhaps Ordnance, and perhaps Engineers, and certainly in the Judge Advocate General's Service, it was exceedingly desirable to lift the limitation somewhat; that there were more than a few men, there were quite a number of men, now holding commissions as emergency officers who are over the age of 50, and whom it would be exceedingly desirable to keep in the service until they are 64.

The committee finally agreed to the proposal that in certain cases the age limit should be higher than 50. So, as a part of my amendment, we proposed to amend that section of the bill which imposes a 50-year age limitation with this proviso:

Provided, That any person under 54 years of age having special scientific, technical, or professional qualifications, and who is otherwise eligible for appointment to a field grade under the provisions of this section, may, upon the recommendation of the chief of such service and the concurrence of the board of general officers herein provided, be appointed to the grade of colonel, lieutenant colonel, or major, as provided in this section without reference to the minimum age limits otherwise prescribed for appointments in such grades. But no such person under 34 years of age shall be appointed to any field grade.

The lowest rank in field grade, of course, as is well known, is the rank of major.

The committee believes that that establishes a sufficiently liberal provision to meet this particular problem. If the Judge Advocate General has his eye upon an emergency officer who is a good lawyer and who has served, we will say, during the war, who is over 50, but still under 54 years of age, and will make his recommendation that that officer is especially needed by reason of his professional qualifications, it is entirely within the power of the War Department to commission him. I think there is no doubt whatsoever but that the department and this board of general officers, to which reference has been made, will follow the recommendations of the different service chiefs in that regard, and in that way civilians up to the age of 54 can be brought into the Judge Advocate General's service.

The committee thinks that is about the extent of the exception in the matter of age limitation to which it ought to go. An officer joining the Regular Army at the age of 54 will serve only 10 years before he is retired for life at three-fourths of the pay of his rank. The amendment of the Senator from Tennessee wipes out all limitation whatsoever.

Mr. McKELLAR. Before the Senator leaves that, I notice, in line 22 of his amendment, the following:

But no such person under 34 years of age shall be appointed to any field grade.

It seems to me that that limitation ought not to be in the bill. As I stated before, some of the best lawyers I have ever known were good lawyers before they were 34 years of age, and even before they were 30 years of age. I think some of the very best I have ever known won their spurs and became famous lawyers by the time they were 30.

Mr. WADSWORTH. Mr. President, that brings up another side of the question. Before I approach that, may I say to the Senator that the heaviest emphasis in this whole discussion about the Judge Advocate General's Service is that they want to get the older men in, not the younger. They want to get older, more mature men into the grades of lieutenant colonel and colonel, and with that I agree. You can not use the same argument in favor of lifting the limit of age that you use in favor of lowering the limit of age and apply it to the same department and use the same reasons.

Mr. McKELLAR. Mr. President, I believe the Senator from New York is not a lawyer?

Mr. WADSWORTH. No; I am not.

Mr. McKELLAR. If the Senator were a lawyer and had practiced at the bar, he would know that the question of a lawyer's ability does not depend on his age, whether young or old. It depends on the kind of a lawyer he is.

Mr. WADSWORTH. I am taking the word of the Judge Advocate General. He and his assistants have talked to me and my colleagues on the committee time and time again, and their principal argument is that they must have middle-aged men of mature experience. As I recollect their arguments, they say it is exceedingly difficult to find a man 31 or 32 years old who can carry the responsibilities which are sometimes placed upon an officer of the Judge Advocate General's Service. They want men of 40, 45, 50, and 54. That is their principal argument.

Now, it is proposed by the Senator from Tennessee to wipe out the minimum age limit completely, and let any man over 21 years of age occupy any grade in the Judge Advocate General's Service. I submit that that is an absurd proposition, and indefensible. Mr. President, you can not take men of 27 or 28 and make them colonels or lieutenant colonels, or even majors, without causing a great deal of bitter feeling and most embarrassing situations in the Army.

The Senator from Tennessee suggests that this minimum age limit of 34 years for the rank of major will work more harm than good. I propose to demonstrate that it will work a great deal more good than harm. Thirty-four years of age is a little under the average age of majors in the Army. If you are going to take men of 32 and 30 and 29 and 28 and appoint them as majors, and put them on the single list above captains in the Regular Army who have served for 10 or 12 years, and keep them above those captains all the rest of their Army careers, what are you going to do to the morale of the Army? You simply can not do things of that sort.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the provision in his amendment that captains may be appointed.

Mr. WADSWORTH. That is an entirely different question. That has nothing to do with the age limitation.

Mr. McKELLAR. It is inseparably connected with it. I do not think men ought to be appointed in this department as captains, because you can not get the kind of a lawyer who ought to be in this department on a captain's pay.

Mr. WADSWORTH. Or at a captain's age?

Mr. McKELLAR. I disagree with the Senator wholly about the captain's age, for the reason that some of the very best lawyers I have ever known, whether you regard them as trial lawyers or in any other way in which you take them, were less than 30 years old. I have in mind some gentlemen of my own bar, at Memphis, where I think we have as good a bar as anywhere in the country, who won their spurs before they were 30 years old, and became the superiors of men who had been practicing law a great many more years than they were old.

Mr. WADSWORTH. I was discussing the age limitations and not captains. I again suggest that the amendment of the Senator from Tennessee wipes out all age limitation whatsoever.

Under his amendment you could appoint a man to the Judge Advocate General's Service 63 years and 11 months old, who would retire in one month. Does the Senator think that should be permitted? It can be done under his amendment. Under his amendment a boy of 21 years and 1 day can be appointed a major. Ought that to be permitted?

Mr. McKELLAR. Of course, such an appointment would not be made. The department would never do that.

Mr. WADSWORTH. We propose to have a little bit of standardization about it, and we say that no man under 34 years of age shall be appointed to a field grade, and the lowest field grade is the rank of major. We put that minimum age limit in for the purpose of protecting all the other officers of approximately the same age who are in the Army to-day. We can not very well afford to take men under 34 and appoint them as majors and put them over captains who have had 10, 12, or 15 years of service, and keep them over them all the rest of their lives in the Army, running on a single list of promotion, or any system of promotion. You would create a degree of discontent all through the commissioned personnel of the Army that would go far toward ruining its morale.

There is a limit to this matter of jumping civilians over men of much longer service, and we have tried to place such a limit at an intelligent figure, and we do not believe, with the study we have given it, that the Judge Advocate General's Service will suffer by reason of the fact that it is not permitted under the law to appoint men in the grade of major below the age of 34. They can appoint them as captains if they want to; and there is nothing in the bill which attempts to limit the number of colonels assigned to the Judge Advocate General's Service, or to limit the number of lieutenant colonels, or to limit the number of majors. The Secretary of War and his board of general officers can assign to the Judge Advocate General's Service just as many of those officers as he and they think it needs; and when they have filled up the number to 120, if they have not enough then the President can raise the number, and more officers can be put in in any grade that is considered wise.

Mr. CUMMINS. Mr. President—

Mr. WADSWORTH. Just a moment. I am in sympathy with the suggestion of the Senator from Iowa [Mr. CUMMINS]. I see just what he wants to accomplish, and I am for it. I did, however, want to point out the danger of wiping out all age limitations; and when I have a chance, in a moment, I want to point out the advantage that can be gained by adding the grade of captain to the Judge Advocate General's Service. I yield to the Senator from Iowa.

Mr. CUMMINS. I shall not interrupt the Senator until later.

Mr. WADSWORTH. I think the Senator and I can get together rather easily and draw a proviso which will result in assuring the assignment of a given number of emergency colonels and lieutenant colonels in the Judge Advocate General's Service, provided, of course, as the Senator will understand, that the number be reasonable, as I have no doubt he would propose.

The criticism has been made that we should not permit captains to be assigned to the Judge Advocate General's Service. It is probable that very few would be assigned immediately upon the passage of this act. But when we remember that a very large number of emergency officers are going to be commissioned in the Regulars after this act goes into effect, that half of all the vacancies created by the act must be filled by emergency officers, veterans of the war, and that, further, the act is going to create something like 9,000 vacancies, we see that something like 4,500 emergency officers are going to be commissioned in the Regular Army, subject, of course, to examinations in all the grades from second lieutenant to colonel, inclusive. It is fair to assume, Mr. President, that the majority of those men will be commissioned in the Regular Army in the grades of second lieutenant, first lieutenant, and captain, quite a number of majors, a somewhat less number of lieutenant colonels, and an even less number of colonels; but the bulk of them are going to come in in the grade of second lieutenant, first lieutenant, and captain.

Many of these men before the German war, before they went into the Army as emergency officers, had had some experience in practicing law. We all know that. Many of them are acquaintances of ours, graduates of first-class law schools, who had practiced law. Just as the Senator from Tennessee has said, there are some young lawyers who are very able. That being the case, why make it impossible for the Judge Advocate General to go out and get some of those captains who are being commissioned in the Regular Army and get them assigned to the Judge Advocate General's Service, and there give them the additional training and experience which nearly all officers,

when once they join that service, have to have, and let them grow up in the service? It seems to me that an opportunity will be afforded as the years go by—and I am talking about the conditions 5 or 6 or 10 years from now—for building up from the ground, as it were, a Judge Advocate General's Service. If you open that service to captains, and are careful not to fix the number of captains who must be taken in, then the Secretary of War and the officers of the Army who have the personnel distribution in charge can use their judgment from time to time, and if they see a captain of Infantry who they are informed has been a good lawyer in civil life, and who is willing to transfer to the Judge Advocate General's Service, they can transfer him and put him in, or they can take a first lieutenant and raise him to the rank of captain and put him in.

It certainly can not hurt the Judge Advocate General's Service, and it may help it. I think it will help it after the office is reorganized and gets going upon a normal basis, which will not be for two or three years; that is, the normal basis will not be reached before that time, because the law business left over from the war is so tremendous.

A suggestion has been made by the Senator from Tennessee that we take these men off the single list and put them in the same category, I presume he would say, as the medical officers in the Army, the veterinarians, the dental officers, and the chaplains. That resolves itself down to a question of policy. I have heard some officers of the Judge Advocate General's Department say that it would be a good thing for the service. I have heard others say that it would be a most unfortunate thing for the service. The committee has leaned to the latter view. If we take the judge advocates off the single list and put them off to one side, with their own scheme of promotion, it means that no longer will a judge advocate be considered a soldier in the accepted meaning of the term. It means that a judge advocate will not be regarded as eligible for promotion to a general rank in the line of the Army. It means that a judge advocate will not be considered eligible for the command of any kind of troops at any time. That may not seem very important, but it is a question of policy which I regard as rather important. I do not believe the time has come when we want to say that a judge advocate can not be transferred back to the line, to the branch from which he came.

Most of the officers of the Judge Advocate General's Service to-day were educated as Infantry men, Field Artillery men, Coast Artillery men, and other branches. One I met the other day commanded a regiment in France in combat. Another was offered the position of chief of staff of one division, and again was offered a position as chief of staff of a corps, because he was known as an able soldier in addition to being a good judge advocate. I am personally acquainted with the judge advocate of one division that went to France, who, in a very tight place, took command of a battalion of Infantry and led it over the top, and got a decoration for distinguished gallantry.

In other words, the judge advocates have not as yet been entirely divorced from the idea that they are soldiers, and I do not think they should be. I think they should be eligible for combat work if their superiors and men in charge of the personnel believe that they can be used for that purpose when need arises. That is the principal reason why the committee has left them upon the single list for promotion with the rest of the officers of the Army.

If by the Congress they are taken off the single list for promotion, next year we will find the Ordnance officers coming here and asking to be taken off the single list for promotion in order that they may get special legislative treatment bringing promotion for them, and for them alone. You will find other groups of officers representing other branches of the service, which they will say are so technical, or giving some other argument, coming here year after year and saying, "You have left the judge advocates out; you have given them special treatment; you have given them a start upward faster than you have the rest of us; take us out also." Thus you will have renewed in the Halls of Congress that very kind of lobbying which has been the curse and bane of the Army for a generation, each branch trying to dig out something especially favorable for itself.

There are indications that just that kind of lobbying is going on around here now. Certain individuals are not pleased at the way the bill is drawn. Some man below 34 years of age has a friend, and that friend wants him to be a major in the Regular Army and our bill prohibits it, and instantly an amendment is offered on the floor of the Senate wiping out that limitation for the entire Army in order to help some one person. The same thing is true about several other services. If we commence to make exceptions for the judge advocates, taking them off the single list, giving them an advantage over all the other officers of the Army, giving them a special line of promotion, we will

find that will be followed by other branches of the service coming and asking for special treatment, and we will go back to the condition which existed a few years ago, a condition which was so ridiculous as even to make the beneficiaries of that condition laugh.

A few years ago we expanded the Field Artillery of the Regular Army. It had to be expanded. It had become a proportionately more important arm. The result was that the Field Artillery officers all got promotions. An act of Congress which expanded that particular branch caused promotions to run in that particular branch. Only Field Artillery officers got the promotions, or those who were lucky enough to get transferred to the Field Artillery. The result was that the Field Artillery officers are to-day eight or nine years ahead of their contemporaries of the Infantry and Cavalry.

Then what happened? The Cavalry came to Congress and said, "Look what you have done for the Field Artillery. You have left us away behind. Can you not give us some mandatory promotion?" The result was that the Congress passed a special provision increasing the number of officers in the Cavalry, with the result that we had 61 colonels of Cavalry in the Army and only 21 regiments of Cavalry. That is what we are going back to if we begin to make exceptions to this single list.

That is why I am especially opposed to the proposition of the Senator from Tennessee [Mr. McKellar]. His amendment abolishes the judge advocates from the single list. I think that they should be kept on the single list. I think the committee amendment starts them on the single list in a favorable position and I think the committee amendment opens up the Judge Advocate General's Service to an essential number of civilians of ability and standing, to whom the Senator from Iowa [Mr. Cummins] has so correctly alluded. I think the amendment, with one other little proviso inserted, as suggested by the Senator from Iowa, will give the Judge Advocate General's Service everything which it needs. It will give officers of adequate rank, it will give officers of adequate age and experience, it will assure the conduct of the Judge Advocate General's Service in the years, to come upon a normal basis and according to normal methods, and still will not give them an undue advantage over their colleagues in the other services.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I do.

Mr. HARRISON. The Senator, in speaking of the single list, does not mean that under the provisions of the bill he would go back and affect those promotions which have come to men in the various branches to which he has alluded and who under the law have obtained those promotions by right?

Mr. WADSWORTH. I would not take their rank away from them, of course, but I would have them wait until the Infantry and the Cavalry caught up with them.

Mr. HARRISON. Does the Senator say that under the provisions of the bill it demotes certain officers in different branches of the service?

Mr. WADSWORTH. No; it does not demote anyone.

Mr. HARRISON. At least it retards their promotion to a certain extent.

Mr. WADSWORTH. It deprives them of a certain participation in additional promotion which has not come to them by anything that they have done. It has come to them by act of Congress, affecting their particular branch, of which they were beneficiaries through accident.

Mr. HARRISON. It came to them by law, then?

Mr. WADSWORTH. Exactly; but it was unfair to the rest of the Army.

Mr. HARRISON. The Senator would take it away from them now?

Mr. WADSWORTH. No; I would not take anything away from them.

Mr. HARRISON. The Senator would have this law passed which would have the effect of going back and taking away from them that right which they had under the law.

Mr. WADSWORTH. I would not take away from them anything they have to-day. If a man secured a jump of one grade by transfer from the Infantry to the Field Artillery on the eve of the expansion of the Field Artillery and holds that grade to-day, or whatever grade he may be in to-day, he would continue to hold it, but you will never get good feeling among the different branches of the service until you permit those men who, through no fault of their own, were left far in the rear in this race for promotion to catch up; and that is what the committee bill does. They were unjust laws that were passed at that time.

Mr. HARRISON. Does the Senator think the single-list policy should be in force from the passage of this bill and not be retroactive?

Mr. WADSWORTH. I believe it should be retroactive in that respect.

Mr. HARRISON. In other words, the Senator would go back and take away from certain men rights that they have obtained by the passage of laws through Congress?

Mr. WADSWORTH. I have some hesitation in accepting that word "rights." My conception of right in an Army officer is that it refers to something he has earned. A man who has jumped nine years above his contemporaries through the expansion of the branch in which he happened to be serving and for which expansion that branch was lobbying around the Halls of Congress has not earned that advancement. A man just as old as he is in the Infantry or the Cavalry or other service stood alongside him then, but did not get that advantage, and he is left forever behind. If it is the purpose to commence the operation of this single-list promotion in the way suggested by the Senator from Mississippi [Mr. Harrison], it means that all these officers, who for years back have been left in the rut through no fault of their own whatsoever, are hopelessly handicapped in reaching the grade of general officer. It means that those officers who have been lucky, whose branches have been expanded, who have gotten promotions which they have not earned, will be constantly at the top of everybody else, and we will not have cured the degree of injustice which to-day exists in the Army, and the condition will not cease for 20 years to come if the suggestion of the Senator from Mississippi is adopted by the Congress.

Mr. HARRISON. The Senator says that these officers have not earned promotion?

Mr. WADSWORTH. No; they have not.

Mr. HARRISON. They earned it under the law that was passed by Congress, did they not?

Mr. WADSWORTH. That is not earning it, in my conception of the term "earn."

Mr. HARRISON. The Senator is finding fault with what the Congress did in the past. Is not that true?

Mr. WADSWORTH. I certainly am.

Mr. HARRISON. The Senator misunderstands my attitude on the amendment offered by the Senator from Tennessee [Mr. McKellar]. I am not in favor of giving to the Judge Advocate General's office certain rights touching the single list that do not apply to other branches of the service.

Mr. WADSWORTH. I am glad the Senator wants to be consistent on that. The Senator and I think alike on it. If we are going to have the single line of promotion, they ought to all be on it with the exception of the medical officers, the veterinarians, the dental officers, and chaplains.

Mr. HARRISON. May I say in addition to that that my idea about the single list is that it should apply upon the passage of this law, and should not be retroactive and affect certain privileges or rights of promotion that came to men of the various branches under an act of Congress.

Mr. WADSWORTH. I think I can say, with a measure of assurance that I am saying something that is correct, that the sentiment of the Army at large is in favor of the single list for promotion. There are a few officers, however, who would like to see it amended. They have been to see me, they have been to see other Senators. They would like to see it amended so that they can continue to occupy the advantage over their fellows which they gained by accident years ago. They have been perfectly frank to say it, too. I am glad to say that the number is not large.

There are many of those officers who secured this promotion by accident or transfer on the expansion of the branch, who have been to me and who have said very frankly that they ought to be required to wait until their colleagues catch up with them, that they do not intend to ask Congress or the Senate or the Committee on Military Affairs to put into the law a continuation of a situation which they admit is unfair to their contemporaries in the Army.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. WADSWORTH. I yield.

Mr. WARREN. Entirely along the line of the arguments of the chairman of the committee, I desire to say that I am just signing some mail which has been sent me from my office, and accompanying what I am signing are the letters requiring the answers. I have just come across, not 10 minutes ago, a personal letter written by a Regular Army officer in the Artillery, a young man who is a native of Washington. This young man was appointed by the President to the West Point Academy, and

upon graduation, on account of his capability for that line, was assigned to the Artillery. The letter is dated Coblenz, Germany, March 24, and, among other subjects, he speaks of what he considers the temporary injustice of some of the emergency officers still holding higher rank than officers in the Regular Army of much longer service, so that for the time being it places the Regular Army officers under those officers who have served for less time, and with but scant training and experience. Of course, it is a personal letter; but, as he proceeds, toward the end he states:

All true well-wishers for the good of the Army are hoping for the single list, with no exceptions, to pass, based upon length of commissioned service. Although I lose a lot of rank by it, I am firmly convinced that it will increase the efficiency of the Army by 200 per cent, but the line and staff must have identical treatment.

Mr. WADSWORTH. That is it.

Mr. WARREN. As I have read, he states:

Although I lose a lot of rank by it—

Mr. WADSWORTH. He is mistaken; he does not lose any rank. He loses the prospect for immediate promotion.

Mr. WARREN. Exactly; taking the construction that our friend from Mississippi [Mr. HARRISON] gives to it, differing from the construction given by the Senator from New York, which is correct in that respect, although, of course, the result is perhaps the same. This officer says:

Although I lose a lot of rank by it, I am firmly convinced that it will increase the efficiency of the Army by 200 per cent, and the line and staff must have identical treatment.

Mr. WADSWORTH. Yes; that is it; and that is just what this bill does.

Mr. WARREN. It has so happened that this letter has just come to me, mailed less than three weeks ago at far-away Coblenz, in Germany. This shows how sensitive all officers of the Army are concerning this matter of promotion and the rather hodgepodge condition that we have gotten into by special or spotted legislation, taking up one arm of the service at a time. This because some branches of the Army have been very greatly increased, while others have remained nearly stationary; hence promotions from lieutenants to majors in one branch may be reached sooner than the first lieutenants can receive their promotion to captains in some other branch. Hence the great percentage of officers, including a large number who may be temporarily harmed thereby, are praying for some final formal basis upon which may rest the whole system of promotion.

Mr. WADSWORTH. Dozens and dozens of officers have talked to me along exactly the same line as that indicated in the letter read by the Senator from Wyoming, and they have also talked to other members of our committee. They realize the very unfair condition which exists to-day among the several branches of the service and believe that for the good of the whole Army, not for the good of two or three men here and two or three there, but for the good of the whole Army, the system should be changed and changed now.

Mr. McKELLAR and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. WADSWORTH. I had about concluded.

Mr. McKELLAR. I desire to ask the chairman of the committee a question about the single list. Even as proposed to be established by the committee, the single list is subject to exception, is it not? For instance, it does not equalize conditions; it is not dependent entirely upon length of commissioned service.

Mr. WADSWORTH. "As nearly as practicable," it says.

Mr. McKELLAR. Take the young men who served as volunteer officers in the Spanish-American War and subsequently became officers in the Regular Army. There is an exception in that case. One hundred and fifty or more such officers now in the Army were preceded by young men who were in the Regular service. This bill does not equalize their rank according to length of service. I am rather inclined to think that if the single list can be adopted according to the length of commissioned service in the Army and applied to all alike, with the exception, of course, of the Medical Corps, which ought to be excepted, it will afford the best method of adjusting the matter. Aside from the Medical Corps, I think that there ought not to be any exceptions; but I am afraid, from my examination of the Senator's bill on this subject, that it certainly excepts about 150 officers who served in the Spanish-American War and that they will be discriminated against.

Mr. WADSWORTH. Does the Senator from Tennessee ask that as a question of me?

Mr. McKELLAR. Does the bill discriminate against officers who served in the Spanish-American War?

Mr. WADSWORTH. Here is the situation with respect to them. In 1901 or 1902—

Mr. McKELLAR. In 1901.

Mr. WADSWORTH. In 1901, in legislation enacted by Congress, provision was made for the admission into the Regular Army of volunteer officers who served in the Spanish-American War. A question then arose as to where they should be placed in the respective lineal lists for promotion in the different branches of the service in relation to the Regular officers of the same grade. The question arose as to whether they should be given credit for the time that they have served as volunteer officers before they were commissioned in the Regular Army. The Congress at that time inserted a provision in the legislation stating that they should not receive credit for their service as volunteer officers in computing their position in relation to the Regular Army officers in the same grades with them. That provision was placed upon the statute books of the Congress of that day, I assume, because the Congress of that day thought that that was the best provision to make. It has never been disturbed since. I have never heard any suggestion that that provision of the act of 1901 be amended; I have never heard of any demand from those officers that it should be amended. I have only heard from one officer upon that subject. He wants that act, in effect, under this bill repealed.

The committee went into all that; and we thought that act of Congress, which was a legislative act, an act of discretion, and which had stood for 20 years, and in accordance with which these officers have moved along through the different grades in the flow of promotion without any audible complaint, the whole service having accepted it for a generation—we thought that we ought not by implication repeal that act of Congress. If it is done, we are going to jump some men 300 numbers over the heads of others. I have only heard one officer in that category ask that it be done, while I have heard of other officers in that same category express the hope that it will not be done. That is all I know about it.

Mr. McKELLAR. Mr. President, if the Senator will allow me to interrupt him for a moment, I call his attention to the bill, on page 52, line 2, where, after enumerating those who shall be put in the single list, it provides that they—

shall be placed on the list without changing the present position of any officer on the lineal list of his own branch, but otherwise, as nearly as practicable, according to length of commissioned service.

That makes a clear and distinct exception that it shall not change "the present position of any officer on the lineal list of his own branch" and, of course, prevents to that extent a definite fixed promotion according to length of commissioned service.

Mr. WADSWORTH. No, Mr. President.

Mr. McKELLAR. The adoption of a single list is going to effect changes throughout. There is no doubt that it will make changes in one way or another in the case of a great number of officers. If we are going to effect change, if we are going to adopt length of commissioned service as a rule in order to obliterate inequality in promotion, we ought to make it apply all along the line; we ought not, in my judgment, to continue by legislation the very inequalities that are attempted by the bill to be ironed out.

Mr. THOMAS. Mr. President, let me ask if it is not true that, with one or two exceptions, practically all of the Army officers upon whom the subcommittee called to advise them with reference to this subject were in favor of the single list as it was finally incorporated in the bill?

Mr. WADSWORTH. I do know that is so; I can not remember the one or two exceptions. As a matter of fact—and I say it subject to correction, of course—my impression is that the whole Army is delighted with the prospect that finally all officers will be treated alike in the matter of promotion. They want a square deal, and they want it to start now and not be postponed in some instances 10, 15, or 20 years, until those officers who received unfair advantages 10 or 15 years ago have been retired.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. Certainly.

Mr. HARRISON. The Senator from New York speaks of unfair advantages. Did not these officers when they entered the Army, or when they graduated from West Point, have the opportunity to choose the particular branch of the Army in which they desired to serve?

Mr. WADSWORTH. They did.

Mr. HARRISON. And some branches gave them a greater opportunity for promotion than others?

Mr. WADSWORTH. No; that was not always so; it turned out to be so later.

Mr. HARRISON. There are certain branches of the Army that certain men as they graduated from West Point could not enter. Is not that so? For instance, could a cadet at West

Point who graduated away down in his class get into the Engineer Corps?

Mr. WADSWORTH. I forget the regulations about that, but I think not.

Mr. HARRISON. Is it not a fact that he could not get into the Engineer Corps, but that those assigned to the Engineers came from the graduates highest on the list?

Mr. WADSWORTH. I do not state it as a fact, but that is my recollection. I am afraid to say definitely that that is the case, but I think it is so.

Mr. HARRISON. It is the Senator's recollection, then, that the very best men, the men who displayed the greatest ability as students and graduated highest in their classes, entered the Engineer Corps, for instance?

Mr. WADSWORTH. Not always.

Mr. HARRISON. Could they enter the Infantry?

Mr. WADSWORTH. They could enter the Infantry; they could enter any branch.

Mr. HARRISON. Yes; but could one who graduated away down in his class enter the Engineer Corps?

Mr. WADSWORTH. I think not.

Mr. HARRISON. Then at that time the Engineer Corps was considered to be the highest branch of the Army service, was it not?

Mr. WADSWORTH. The Senator need not cross-examine me. He can tell his own story.

Mr. HARRISON. I was just wondering about the matter concerning which we were speaking. The Senator says it is unfair—

Mr. WADSWORTH. I do.

Mr. HARRISON. Then it is unfair that a man who graduated, say, in 1899, went into the Engineer Corps, for instance, received promotion, and is now under the old system No. 331 on the relative list should become No. 711 on the single list as proposed in the pending bill. The Engineer officers who graduated in the class of 1899 will be demoted, under the terms of the bill, 380 files; those of the class of 1900 who entered the Engineer Corps will be demoted 722 files; those in the class of 1903 will be demoted 1,139 files; those in the class of 1904, 1,183 files; those in the class of 1905, 1,142 files; those in the class of 1906, 1,206 files, and so on down. I ask consent to insert in the RECORD the entire table.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Approximate effect of present mode of making up the single list, as proposed in Senate bill 3792, Sixty-sixth Congress, second session, based upon Army register of Dec. 1, 1918.

ENGINEERS.

Class.	Approximate number on single list.	Approximate number on relative list.	Number of files demoted by Senate bill.
1899.....	711	331	380
1900.....	1,180	458	722
1901.....	1,304	466	838
1902.....	1,458	478	980
1903.....	1,653	514	1,139
1904.....	1,754	571	1,183
1905.....	1,881	739	1,142
1906.....	1,956	750	1,206
1907.....	2,047	756	1,291
1908.....	2,177	763	1,414
1909.....	2,391	1,032	1,269
1910.....	2,527	1,809	726
1911.....	2,671	1,909	762
1912.....	2,912	1,915	997
1913.....	3,078	2,154	924
1914.....	3,182	3,114	78
1915.....	3,269	3,265	4
1916.....	3,412	3,346	66
1917.....	4,071	3,395	676

Mr. HARRISON. Does the Senator think, considering the peculiar qualifications which they showed as students and the ability which they displayed, that, because they entered this particular branch of the service, they should now be demoted as shown by the table under the terms of the bill?

Mr. WADSWORTH. The Senator indulges in two expressions which I can not agree are correct. In the first place, they are not "demoted"; they do not lose anything they have to-day; they are simply asked to wait a little while until other officers just as good get that to which they are entitled. The other expression I think the Senator used was that these men were "especially qualified." I do not know that they are. How can we tell?

Mr. HARRISON. They displayed ability, did they not, to get into that particular branch?

Mr. WADSWORTH. I do not know; but why should promotion in the Engineers be faster than in the Infantry?

Mr. HARRISON. I do not know. The law made it so, did it not?

Mr. WADSWORTH. We want to cure that.

Mr. HARRISON. The Senator wants to go back and violate the law and make a retroactive law.

Mr. WADSWORTH. The provision in the bill does not violate any law.

Mr. HARRISON. It is a pity the Senator was not here at that time to see that the law did not pass.

Mr. WADSWORTH. We are changing law.

Mr. HARRISON. Yes; the Senator's bill is changing law, but he is making it apply 20 years back. The Senator says it does not demote anyone. It is true it does not demote a man from a major to a captain, but I was talking to an officer only yesterday who told me that he was a major—he had been a colonel, I think—and he stated: "If this bill does not pass, I will be a lieutenant colonel in about six weeks, but if the single list is applied it will be five years before I am a lieutenant colonel."

Mr. WADSWORTH. That is all right.

Mr. HARRISON. Does not the Senator think that that is indirectly a demotion?

Mr. WADSWORTH. No, Mr. President; I do not; I think that is a square deal for the other men. There is no reason why he should reach the grade of lieutenant colonel so fast by the accident of the branch in which he serves.

Mr. HARRISON. I had intended to propose an amendment to the amendment offered by the Senator from Tennessee touching the single list, but I shall not do so. I intend to vote against the amendment offered by the Senator from Tennessee, because I do not think any exceptions should be made. I shall at the proper time, however, offer an amendment to prevent this law from being retroactive, so as to make the single list apply to the future.

Mr. McKELLAR. On the substitute amendment offered by me I ask for the yeas and nays.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McCumber	Smoot
Brandegge	Frelinghuysen	McKellar	Spencer
Calder	Harris	Myers	Sterling
Capper	Harrison	Nelson	Sutherland
Chamberlain	Jones, Wash.	Nugent	Thomas
Comer	Kellogg	Overman	Trammell
Cummins	Kendrick	Page	Wadsworth
Curtis	Kenyon	Pomerene	Walsh, Mass.
Dial	Keyes	Sheppard	Warren
Dillingham	Lodge	Smith, S. C.	Watson

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Reading Clerk called the names of the absent Senators, and Mr. PHIPPS, Mr. SIMMONS, and Mr. SWANSON answered to their names when called.

Mr. HALE and Mr. NEW entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Forty-five Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. WADSWORTH. Mr. President, I hope we can get a vote on this matter before adjournment to-day. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. GLASS, Mr. McNARY, Mr. BORAH, and Mr. KIRBY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment offered by the Senator from Tennessee to the amendment of the committee, and on that the Senator from Tennessee has demanded the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr.

SMITH], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer my pair to the Senator from Wisconsin [Mr. LENROOT] and vote "nay."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. I transfer my pair to the junior Senator from Pennsylvania [Mr. KNOX] and vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Delaware [Mr. WOLCOTT] to the junior Senator from Oregon [Mr. McNARY] and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I understand that if he were present he would vote as I am about to vote, and I therefore vote. I vote "nay."

Mr. SPENCER. I have a general pair with the junior Senator from New Mexico [Mr. JONES]; but under the arrangement which I have with him I can vote on this question. I vote "nay."

Mr. McKELLAR. The Senator from Maryland [Mr. SMITH] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Borah	McKellar	Smith, S. C.	Walsh, Mass.
Comer	Nugent	Sterling	
Dial	Overman	Swanson	
Kenyon	Simmons	Trammell	

NAYS—36.

Ashurst	Edge	Kirby	Sheppard
Brandegee	Frelinghuysen	Lodge	Smith, Ariz.
Calder	Hale	McCumber	Smoot
Capper	Harris	Myers	Spencer
Chamberlain	Harrison	New	Sutherland
Colt	Jones, Wash.	Page	Thomas
Cummins	Kellogg	Philips	Wadsworth
Curtis	Kendrick	Pittman	Warren
Dillingham	Keyes	Pomerene	Watson

NOT VOTING—47.

Ball	Fall	Gay	Gronna
Beckham	Fernald	Gerry	Harding
Culberson	Fletcher	Glass	Henderson
Elkins	France	Gore	Hitchcock

Johnson, Calif.	McLean	Phelan	Smith, Md.
Johnson, S. Dak.	McNary	Poindexter	Stanley
Jones, N. Mex.	Moses	Ransdell	Townsend
King	Nelson	Reed	Underwood
Knox	Newberry	Robinson	Walsh, Mont.
La Follette	Norris	Sherman	Williams
Lenroot	Owen	Shields	Wolcott
McCormick	Penrose	Smith, Ga.	

So Mr. McKELLAR's amendment to the amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the following amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 7, before the word "Vacancies," insert the following proviso:

Provided, That in making the original appointments of officers in the Judge Advocate General's Service who served during the World War, as provided in section 42 of this act, not less than 6 such officers shall be appointed in the grade of colonel and not less than 16 in the grade of lieutenant colonel.

Mr. CUMMINS. I ask the Senator from New York whether the amendment as I have now presented it would require the appointment of 6 colonels of the emergency service and of 16 lieutenant colonels?

Mr. WADSWORTH. It certainly would.

Mr. CUMMINS. Upon being assured of that construction, I offer the amendment without any change. That is what I intend to accomplish, and I think the amendment accomplishes it.

Mr. WADSWORTH. That is what is accomplished by the amendment, and I see no objection to it.

Mr. HARRISON. Mr. President, on yesterday we increased the force of the Judge Advocate General from 80 to 120. Is this in addition to that number?

Mr. WADSWORTH. Oh, no. This merely provides that of the emergency officers assigned to the Judge Advocate General's Service by reason of being commissioned in the Regular Army in the usual way, as provided in section 42 of the bill, at least 6 of them must be colonels and at least 16 lieutenant colonels. They are included in the general total of 120.

Mr. HARRISON. How many were there in that department before the war?

Mr. WADSWORTH. Thirty-two.

Mr. HARRISON. Officers?

Mr. WADSWORTH. That is my recollection.

Mr. HARRISON. How many were lieutenant colonels and colonels and majors?

Mr. WADSWORTH. There were 4 colonels, 7 lieutenant colonels, and 20 majors before the war.

Mr. HARRISON. If the amendment is agreed to as offered by the Senator from Iowa, there would be how many colonels?

Mr. WADSWORTH. Six men appointed to the grade of colonel assigned to the Judge Advocate General's office from among the emergency officers of the war, and 16 to the grade of lieutenant colonel from among the emergency officers of the war.

On behalf of the committee I accept the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President, I offer the following amendment to the amendment of the committee: Strike out line 6, page 1, of the amendment; in line 12, on page 1, strike out the word "captain" and insert the word "major"; in line 2, page 2, strike out the word "captain" and insert the word "major"; in line 4, page 2, strike out the word "captain" and insert the word "major"; in line 7, page 2, strike out the word "captain" and insert the word "major."

Mr. President, the committee amendment here offered makes a great change in the organization of the Judge Advocate General's Department. It makes that department of the grade of captain. Hitherto, as I understand it, the lowest regular grade in that department has been the grade of major, and that grade has sufficed for time of peace and for all the emergencies of war, practically, although I think there were some special assignments of men of the grade of captain to the Judge Advocate General's office during the war.

I do not believe it is necessary to reduce the grade to that of captain in the Judge Advocate General's office. The first part of the committee amendment, coupled with the latter part of the amendment limiting the age of a major to 34 years, would deprive the Judge Advocate General's Department of some of the very best men in the service. It would, at least, take away from them the rank which they now have and would probably mean their separation from the service.

There are men of the rank of major now in the Judge Advocate General's Department at the ages of 31, 32, and 33 years

who have been in that department for a long time; and under the second paragraph of the amendment those men who have served abroad—some of them, and I do not know but all of them, below 34 years of age—will be reduced, after their long service in the rank of major, to the rank of captain.

I do not believe that is just. It is not a just recognition of their ability as lawyers, it is not a just recognition of their ability in the service of their country and what they have done in that service.

I voted for the McKellar amendment because it affects this question, but the McKellar amendment provided for the single-list theory, from which all appointments or assignments to the Judge Advocate General's office would be made. This does not destroy the single-list theory; that is yet preserved; but it does take away the right, as proposed by the amendment of the committee, to reduce these men to the grade of captain. What is the result? Here are men 33½ years of age who served long in the Judge Advocate General's office ably and efficiently.

Mr. WADSWORTH. Served how long?

Mr. STERLING. I know of one who served over a year, and he is there now after having served in France. He was one of the best and brightest young lawyers in the State of South Dakota and in the active practice of the law before he went into the service. He comes back after honorable service abroad and has served more than a year in the Judge Advocate General's office with the rank of major. It is proposed by the amendment to reduce him to the rank of captain. Captains may be assigned from the general list or the senior list to take his place and by virtue of length of service or by virtue of their age will be above him and have a chance of promotion better than the man who has served as major for this very long period of time.

Mr. President, I do not believe that we want to work any such injustice as that, and I am opposed to reducing this rank to that of captain. Really, I think the single list here should be done away with, so far as the Judge Advocate General's office is concerned, just as was proposed by the amendment offered by the Senator from Tennessee [Mr. McKELLAR], and why? Because it is a highly specialized department of the Department of War, where professional services are needed upon most intricate questions that come before the men in the office of the Judge Advocate General for decision—legal questions of great import, difficult questions, and questions of great interest to the welfare of the country.

I must protest, as I feel we all ought to protest, against reducing to the position of captain men who have served as these men have served and who have gained the rank they have acquired in the service.

I want to follow this up with a further amendment striking out the age limit, and as what is proposed from the committee is offered as one amendment I think perhaps I had better complete my amendment so that it will apply to the entire amendment of the committee.

I move further to amend the amendment by striking out lines 22 and 23, on page 2, which limit the age to 34 years. I am aware of the fact that the last paragraph in which those words are found pertains to the service generally, but it seems to me that there ought not to be any age limit; certainly not as applied to the Judge Advocate General's Service.

Mr. WADSWORTH. Mr. President, I regret that I can not support the amendment to the amendment and thereby help the young man from South Dakota. I have no doubt he is an able man. He is 31 years of age and is now a major, and from the best information we can get he has been a major in the Judge Advocate General's Service for about a year.

Mr. STERLING. He is a little more than 31. I did not state that he is 31 years of age. He is 32½ years of age.

Mr. LODGE. How long has he been in the service?

Mr. WADSWORTH. The Senator from South Dakota thought it was a little over a year.

Mr. STERLING. He has been in the Judge Advocate General's office over a year.

Mr. LODGE. All the time?

Mr. STERLING. After having practiced law for a long time before entering the service, he served abroad and comes back and is appointed a major in the Judge Advocate General's Service.

Mr. LODGE. Did he serve in the field abroad?

Mr. STERLING. Yes, sir; he served in the field abroad.

Mr. WADSWORTH. No doubt his service was excellent, and I honor him for it. The Senator from South Dakota complains that as a result of this legislation this young major, 32½ years of age, will not be able to be a major in the Regular Army; that he can only have a captaincy, and that that means reducing

him from major to captain. As the Senator and all other Senators remember, the Regular Army officers who went abroad and who during the war were brigadier generals and major generals have since been reduced and have gone back to lieutenant colonels, majors, and even down to captains. If we are going to enact legislation here, Mr. President, that will provide that no emergency officer of the National Army is commissioned in the Regular Army hereafter at a grade lower than the grade he occupied as an emergency officer, then we had better legislate and say that every Regular officer who had a high grade in France will continue in that high grade for the rest of his service.

Mr. STERLING. Will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. STERLING. I suppose the reduction generally is for the reason that there is no longer any need for their services in the particular rank they occupied during the war, but no such reason will apply to the case in hand or to the cases to which I have referred. The services of these officers are still needed as much as they ever were, and in the particular places which they had occupied before.

Mr. WADSWORTH. If the Army of the United States can not find enough men over the age of 34 years to occupy the grade of major, it had better go out of business. Now, it is proposed to wipe out the minimum age limit completely and to let any man over 21 years of age be appointed to the grade of major—that is the suggestion of the Senator from South Dakota—regardless of his length of service, provided he served during the period of the emergency. There are men who in France commanded brigades and regiments in action, men who have spent 15 years in the Regular Army, who would be outranked by this young man from South Dakota if the Senator's amendment was adopted, who have had to go back to a captaincy, and who during all the remainder of their career in the Army will be outranked by this young man of 32½ years of age because, forsooth, by act of Congress we are going to put him in the grade of major.

There must be some limit to this thing. We can not open wide the gates as far as they will swing and authorize the War Department to appoint men of any age to any grade. By doing so we are going to tear the Army to pieces, Mr. President. We could not hurt the morale more than by doing things like that. The committee, after weeks and weeks of study of these questions, came to the conclusion that no man should be commissioned in the Regular Army from civil life in the grade of major under the age of 34 years under any circumstances. In fixing the age at 34 years we have attempted to reach the age which is the average age, or at a little bit below the average age, at which a man in the ordinary course of events in the Army becomes a major. I hope the Senate will not adopt the amendment.

Mr. STERLING. Will the Senator from New York tell me the reason why a radical change in the organization of the Judge Advocate General's Department is proposed, allowing the grade of captain, which has never applied in the department before?

Mr. WADSWORTH. There is nothing very radical about it. We simply widen the field of selection for judge advocates by one grade. Prior to this time they had been confined to colonels, lieutenant colonels, and majors; the department could not appoint anybody else to the positions but officers of those three grades. Now, we say, "you may have some captains." That is all.

We think they can use a few captains in that office in the years to come advantageously. They do not have to appoint the regular proportionate number of captains. They may have only two captains or three captains out of the 120 officers. There is nothing in the bill that compels them to appoint a number of captains which would be in proportion to the number of captains in the whole Army. The provision is elastic; there is nothing radical or drastic about it. Now, the Senator from South Dakota wants to wipe out the grade of captain in the Judge Advocate General's Service.

Mr. STERLING. No, I do not want to wipe it out; I merely want to prevent it from being established—that is the position that I take—because there is no such grade to-day.

Mr. WADSWORTH. I mean he wants to wipe it out of this bill. The Senator wants to prevent the grade being established, and, apparently, he uses as an argument that there is a young major there who if he remained in the service would have to be a captain.

Mr. STERLING. The Senator from New York continually refers to the one major to whom I have referred. I have no objection to that. He is a young man of whom any community might well be proud because of his ability as a lawyer and because of his conduct in the service. He is, however, a type;

there are more of them. I have been informed by men from that department that there are officers there, varying in age from 30 to 33½ years, who are majors and who, under this proposed law, will be demoted to captains.

Mr. WADSWORTH. I am informed, according to the best authority I can get, that there are three majors in the department who are under 34 years, and that there is one lieutenant colonel of 29.

The PRESIDING OFFICER. The question is upon the series of amendments proposed by the Senator from South Dakota [Mr. STERLING] to the amendment proposed by the committee.

Mr. STERLING. I ask for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The amendments were rejected.

Mr. STERLING. I desire to offer another amendment. In line 22, on the second page of the committee amendment, I move to strike out the compound word "thirty-four" and insert the word "thirty" in lieu thereof.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 2 of the printed amendment of the committee, on line 22, it is proposed to strike out "thirty-four" before the word "years" and to insert "thirty," so that it will read:

That no such person under 30 years of age shall be appointed to any field grade.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

Mr. WADSWORTH. Mr. President, I think it is fairly late, and I move that the Senate adjourn.

Mr. SPENCER. Will the Senator withhold the motion for a moment?

Mr. WADSWORTH. Certainly.

MERRITT & CHAPMAN DERRICK & WRECKING CO.

Mr. SPENCER. From the Committee on Claims I report back favorably without amendment the bill (H. R. 9629) for the relief of the Merritt & Chapman Derrick & Wrecking Co., and I ask unanimous consent at this time for its consideration.

Mr. SMOOT. What is the bill?

Mr. SPENCER. It is a House bill identical with the Senate bill passed this morning.

Mr. SMOOT. I desire to know whether section 2 of this bill has been stricken out?

Mr. SPENCER. I intend to move that it be stricken out.

Mr. SMOOT. If the Senator will do so, I shall make no objection to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPENCER. I move that section 2 of the bill be stricken out.

The amendment was agreed to.

Mr. SMOOT. I suggest that section 3 be renumbered to read "section 2."

Mr. SPENCER. There is no section 3 in the bill.

Mr. SMOOT. Then it is not the same as the Senate bill.

Mr. SPENCER. It is precisely the same, but they left out the last section.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SPENCER. I move to reconsider the vote by which Senate bill 3294 was passed this morning.

The motion to reconsider was agreed to.

Mr. SPENCER. I move that the bill be indefinitely postponed.

The motion was agreed to.

ADJOURNMENT.

Mr. WADSWORTH. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 17, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 16, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, teach us how to enlarge our faith in Thee, in our fellow men, and in ourselves, for we realize that if distrust, doubt and uncertainty, selfishness, greed, profiteering, and evil shall pass away it must be based on the eternal principles of the larger faith.

And I John saw the holy city, the new Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband.

To love mercy, do justly, and walk humbly with thy God was the creed, the principles, the life of Abraham Lincoln, who died a martyr to those truths.

So help us to live, and, if need be, to die for them that peace and happiness may blossom as the rose in the holy city, the new Jerusalem, coming down from God out of heaven, to His glory and to the good of mankind; in the life, character, and precepts of the Lord Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the Post Office appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 21, 23, 25, and 28, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Provided, That whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President, and the Postmaster General shall notify the Auditor for the Post Office Department of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property of the post office and the performance of the duties thereof until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause, the appointment of a regular postmaster shall be made without unnecessary delay"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out the word "materially"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$1,415,000" named in said amendment insert the following: "\$1,250,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and

agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For transportation of foreign mails by steamship, aircraft, or otherwise, including increases hereinafter provided, \$4,700,000: *Provided*, That not to exceed \$100,000 of this sum shall be expended for carrying foreign mail by aircraft."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which \$500,000 shall be available immediately"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 4"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 6"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(c) The commission shall investigate all present and prospective methods and systems of handling, dispatching, transporting and delivering the mails, and the facilities therefor; and especially all methods and systems which relate to the handling, delivery, and dispatching of the mails in the large cities of the United States.

"On or before March 1, 1921, the commission shall make a report to Congress containing a summary of its findings and such recommendations for legislation as it may believe to be proper."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(d) For the purpose of this section, the commission shall have power to summon and compel the attendance of witnesses and the production of documentary evidence, and to administer oaths."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out the second paragraph of said amendment and insert in lieu thereof the following:

"SEC. 7. That the Secretary of War be, and he is hereby, authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under the act approved March 15, 1920, for use in highway construction by the highway department of such State: *Provided*, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Renumber the section to read "Sec. 8"; and the Senate agree to the same.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,

Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
LAWRENCE C. PHIPPS,
J. C. W. BECKHAM,
CHAS. B. HENDERSON,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreement of the House to the amendments of the Senate to H. R. 11578, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to each of said amendments:

The Senate recedes from amendments Nos. 15, 19, and 20.

Amendment No. 15 struck out the words "printing presses" in the appropriation for miscellaneous equipment under the office of the Third Assistant Postmaster General.

Amendment No. 19 rewrote section 2, continuing the increased compensation under House joint resolution 151, and omitted the words "unless otherwise provided by law."

Amendment No. 20 authorized the property and equipment of the pneumatic tube companies in the post offices in the different cities where located to remain until June 30, 1921.

The managers on the part of the House agree to amendments Nos. 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 21, 23, 25, and 28.

Amendments Nos. 1 and 2 merely corrected the phraseology in the appropriation for the purchase of land for the equipment shops.

Amendment No. 3 makes the appropriation of \$25,700 for the purchase of land for the equipment shops immediately available.

Amendment No. 5 added a clause repealing the limitation of \$500 for rent and \$100 for fuel and light allowable for post offices of the third class.

Amendment No. 6 struck out "\$60,000,000" in the appropriation for inland transportation of mail by railroads and inserted "\$59,886,822."

Amendment No. 9 merely inserts the word "further" after the word "provided" in the paragraph relating to Railway Mail Service.

Amendment No. 10 strikes out "\$932,156" and inserts "\$1,032,156" in the appropriation for terminal railway post offices.

Amendment No. 11 strikes out the word "however" in the paragraph relating to the appropriation for transportation of mail by electric and cable cars.

Amendment No. 13 strikes out "\$965,000" and inserts "\$765,000" in the appropriation for manufacture of postal cards.

Amendment No. 14 adds a proviso to the appropriation for indemnity for losses or injury of domestic registered, insured, or collect on delivery mail, authorizing the Postmaster General to authorize postmasters to pay limited indemnity claims. This is designed to expedite payment of claims.

Amendment No. 17 strikes out a proviso to turning over motor vehicles, aeroplanes, etc., by the Secretary of War, which proviso in slightly different form is reinserted in section 4 of the bill as amendment No. 21.

Amendment No. 18 rewrites the provision of the House relating to the determination of the length of rural routes.

Amendment No. 21 is section 4 of the bill as amended in the Senate, and relates to turning over of motor vehicles and aeroplanes by the War Department to the Postmaster General and authorizes the use thereof in the transportation of the mails in which such vehicles or aeroplanes are used. The Senate provision remains unchanged.

Amendment No. 23 authorizes the Postmaster General to accept without postage stamps affixed mail matter of the first class under rules and regulations prescribed by him. This was section 6 as inserted in the bill by the Senate.

Amendment No. 25 authorizes the payment of the expenses of the commission created under section 7 of the bill.

Amendment No. 28 directs the executive departments and independent establishments of the Government, when directed by the President, to furnish the said commission with information and records in their possession.

The House receded from its disagreement to the amendments of the Senate Nos. 4, 7, 8, 12, 16, 21, 22, 23, 24, 26, 27, 29, and 30, with an amendment to each, as follows:

Amendment No. 4 rewrites the provision proposed by the Senate authorizing the Postmaster General, whenever the office of postmaster becomes vacant through death, resignation, or removal, to designate some person to act as postmaster until regular appointment can be made by the President.

Amendment No. 7 strikes out the word "materially" in the proviso relating to contract Air Mail Service, the effect of which is to authorize the Postmaster General to contract for an aeroplane mail service between such points as he may deem advisable and designate, where such service is furnished, at a cost not greater than the cost of the same service by rail.

Amendment No. 8 reduces the appropriation from \$1,415,000, proposed by the Senate, to \$1,250,000 for aeroplane mail service from New York, N. Y., to San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr.

Amendment No. 12 changes the amendment of the Senate which enlarged the appropriation for the transportation of foreign mails by inserting the words "by steamship, aircraft, or otherwise," so as to read as follows:

"For transportation of foreign mails by steamship, aircraft, or otherwise, including increases hereinafter provided, \$4,700,-

000: *Provided*, That not to exceed \$100,000 of this sum shall be expended for carrying foreign mail by aircraft."

Amendment No. 16: In the appropriation for the equipment shop of \$2,090,000 the Senate amendment proposed to make the whole amount immediately available, but this was modified so as to make \$500,000 immediately available.

Amendment No. 22 simply rennumbers section 5 to section 4 and rewrites section 3936, Revised Statutes of the United States, in regard to the disposition of dead letters.

Amendment No. 24 rennumbers section 7 to section 6.

Amendments Nos. 26 and 27 modify the language of paragraphs C and D, relating to the creation of the commission to investigate transportation of mail and the facilities for distribution thereof.

Amendment No. 29: The amendment proposed by the managers on the part of the House strikes out of the second paragraph of amendment No. 29, which related to the loan of tractors by the Secretary of War to State highway departments, and inserts a new section, numbered section 7, on the same subject. The original proposition of the Senate related to 5 and 10 ton artillery tractors, but as amended the provision authorizes the loan of tractors generally to State highway departments for use in highway construction, such highway departments to pay the cost of transportation both for the shipment and return.

Amendment No. 30 rennumbers section 3 to section 8.

The net increase over the appropriations as passed by the House is \$1,046,178, making a total now carried in the bill of \$462,574,546.

HALVOR STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
A. B. ROUSE,

Managers on the part of the House.

Mr. STEENERSON. Mr. Speaker, the amount stated as carried in this bill, four hundred and sixty-two million and odd dollars, I desire to explain, does not include all the expense that will be estimated for the fiscal year 1921, for this reason, that the estimates submitted to the two Houses for railroad transportation of mail was based upon the rate of compensation that was in force in October last, when those estimates were prepared. Since last October—I think, on the 23d day of December, under the provisions of the appropriation act of 1916—the Interstate Commerce Commission rendered a decision which increased the compensation of railroads under the space plan about 50 per cent after March 1, 1920, and about 33 per cent between November 1, 1916, and March 1, 1920. I shall insert in the Record a statement of Mr. Praeger, Second Assistant Postmaster General, on this subject, which I have taken from the Senate hearings:

(Mr. Praeger's testimony, pp. 270-271, Senate hearings.)

Mr. PRAEGER. We will have less unexpended balance at the end of the coming fiscal year than we have now on account of the increase in the business and the additional transportation space we will have to buy. That does not take into consideration the increase in rates that the commission may fix.

The CHAIRMAN. Have you estimated what that increase would cost you on the basis of the business done this year?

Mr. PRAEGER. It is somewhere in the neighborhood of 50 per cent increase over the existing rate.

The CHAIRMAN. About how much would that amount to in dollars?

Mr. PRAEGER. Between \$30,000,000 and \$40,000,000 a year. The Postmaster General is preparing a motion for a rehearing on those rates, and until that is determined, and until the commission determine whether or not they will grant a rehearing and go into certain phases of the case that the department will point out, we are not getting ready to make payment to the railroads of the increases. We do not accept the rates as definitely settled until the commission disposes of the motion for rehearing. Then we will get into the work of restating the service on the new rate. Naturally, when that is done we will have to come to Congress and ask for a deficiency appropriation to pay the railroads.

The CHAIRMAN. You are making your estimate here on the basis of present rates?

Mr. PRAEGER. The present rates and a slightly increased service.

We did not know about these figures at the time the bill was before the House, and Mr. Praeger explained that they have made application for a rehearing, and therefore they were unable to submit the estimates that would be required until after the decision of the commission. He says, however, that the actual increase for 1920 and the compensation of railroads for carrying the mail over what is allowed in this bill will be between \$30,000,000 and \$40,000,000, so it is fair to say that the expenses of the Postal Service next year will be very close to \$500,000,000.

Mr. DYER. Will the gentleman yield for one question?

Mr. STEENERSON. Yes; I will yield.

Mr. DYER. In the second conference, will the gentleman state whether the conferees made any changes except in reference to amendment No. 21? Is that the only change?

Mr. STEENERSON. The conferees receded on amendment No. 21.

Mr. DYER. That is in reference to the airplane mail service?

Mr. STEENERSON. That is in reference to this limitation that these airplanes they are obtaining from the War Department could not be used except on the transcontinental route.

Mr. DYER. Is that the only change?

Mr. STEENERSON. No; the gentleman ought to recall that he made a point of order on amendment No. 3 in reference to a building to be moved from Watertown, N. Y., for an equipment shop.

Mr. DYER. That is coming in a separate bill, is it not?

Mr. STEENERSON. Well, I am talking about this conference report now before the House. In view of the fact the point of order was good and conceded to be good, the House receded from this amendment. The gentleman is correct that the Post Office Committee took up the matter and recommended the passage of a bill to do what that amendment sought to do, and that is now on the calendar.

Mr. TREADWAY. Will the gentleman yield to me for a brief statement and an inquiry combined with the statement?

Mr. STEENERSON. I will yield.

Mr. TREADWAY. This is in reference to the provision as agreed upon between the conferees on amendment No. 4. There has occurred within a very few days the death of a postmaster in my district, in a large town, and the applicant for the position was the assistant postmaster. It appears that a bonding company had furnished the bond for the deceased postmaster, and that bonding company claims the right under the approval of the department to name the acting postmaster until the new nomination is made and confirmed. The bonding company named its own agent in this town, who demanded his right to assume the duties of the office, and by inquiry of the Post Office Department it seems that the appointment made that way was accepted by the department. The bonding company agent in Washington informed me that when such a vacancy occurs it invariably offers the position to their agent in the town or city, as the case may be. It seems to me, irrespective of the merits of who should be assigned to the post office—and that I will not enter into, because the assistant postmaster is a very competent man, and the gentleman who has been named as the agent of the bonding company is a highly esteemed citizen of the town—nevertheless, as the law now stands, is it a fact that the bonding company has that advantage in the possibility of naming a new acting postmaster in the case of the decease of the regular postmaster?

Mr. STEENERSON. Yes; under the law and the rules and regulations established by the Postmaster General they have that right.

Mr. TREADWAY. The bonding company has that right?

Mr. STEENERSON. Yes.

Mr. TREADWAY. As I read your amendment No. 4—

Mr. MOON. The bonding company has the right, with the consent of the Government. But the power still exists in the department to release the bonding company from its obligations, and they take a new bond.

Mr. TREADWAY. Unquestionably. But my point is this: Should a bonding company have the power of designating its own agents in preference to any other citizens in the community who might be acceptable to the community or to the department?

Mr. MOON. It seems to be true under the present condition; but I agree with the gentleman fully that they ought not to have such power.

Mr. TREADWAY. That is what I was coming to. Now, after this law comes into effect, after July 1, 1920, will that power cease to be given to a bonding company under amendment No. 4?

Mr. STEENERSON. I think so, because then the Postmaster General will have the power to appoint a temporary postmaster without any confirmation.

Mr. TREADWAY. Evidently the amendment has been offered in view of the fact of just such a situation as I am describing?

Mr. STEENERSON. Yes; that was mentioned in the committee.

Mr. TREADWAY. Then I understand that amendment No. 4 is intended to remedy the situation I have described?

Mr. STEENERSON. That is correct.

Mr. TREADWAY. I am therefore very heartily in accord with the committee in recommending that amendment. I thank the gentleman for his information.

Mr. STEENERSON. In reference to this appropriation for the inland transportation of mail that I referred to a moment ago, I desire to say that not only will it require a deficiency

appropriation, which the Second Assistant Postmaster General says he intends to ask for when the figures are complete, of \$30,000,000 to \$40,000,000, but according to the best estimates that I can make the new rate of pay under the space plan will be about 8 per cent higher than we would pay if the old law, establishing the weight basis of railway mail pay, was still in force, which would be about between \$4,000,000 and \$5,000,000 a year more that we will pay under the space plan than we would if the old weight basis were now in force. At least, that is the best calculation that I can make on the subject.

Mr. WALSH. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. WALSH. Was the gentleman among those who contended that the space basis would be more economical than the weight basis?

Mr. STEENERSON. No. I stated at the time that was up that I was willing to yield my conviction to the department's recommendation and therefore would vote for it, but I said distinctly I believed the gentleman from Tennessee [Mr. Moon], then the chairman of the committee, was too optimistic. He predicted there would be a saving of \$10,000,000 a year, and I said I doubted it; but, in view of the superior knowledge of the Post Office Department, I yielded and voted for the space plan.

Mr. WALSH. I recall some such statement being made, but I had forgotten whether the gentleman was one who made the contention that the space basis would be more economical than the weight basis or not.

Mr. STEENERSON. You will recall that the bill as it passed the House carried an appropriation for this item of \$60,000,000, for the inland transportation of mails, but the Senate cut it down \$113,178 and the House committee was not advised as to the reason until we got into conference. Some of us found out. The reason that they took out \$113,178 from the \$60,000,000 we appropriated for the inland transportation of mail was that under the original space-plan law the department is authorized to employ clerks to obtain statistics and data for the administration of the plan and have a trial of the question of which plan, weight or space, was the most economical and advantageous for the Government before the Interstate Commerce Commission. They employed these 78 clerks in that capacity in the department. Now, they have heretofore been paid out of the appropriation for inland transportation of mail, but the department desired that they should be placed on the same basis as clerks in that department, because now the decision has been rendered and the space plan is permanent. And therefore these clerks will be permanent clerks in the department. So the Senate Committee on Appropriations, on the recommendation of the department, made a provision for their compensation in the legislative appropriation bill and at the same time the department transmitted a letter to the chairman of the Senate committee explaining that these clerks had been eliminated and that they would hereafter be carried as clerks of the department and that therefore it would justify a reduction of this amount, namely, \$113,178, and that explains why the Senate reduced the \$60,000,000 to \$59,886,822.

Mr. MILLER. Will the gentleman yield for a few questions and a little observation on amendments 7, 8, and 21?

Mr. CANNON. Before the gentleman does that, will he yield to me for just a question?

Mr. STEENERSON. I will yield to the gentleman from Illinois first.

Mr. CANNON. As I understand, the space plan is the more expensive plan?

Mr. STEENERSON. It is more expensive if we assume that the Government to-day will pay on the weight basis, as it did in 1916. In other words, the attorney for the department tells me that if the weight plan were now in force, under his calculations it would be 8 per cent less than we are paying under the new ruling of the Interstate Commerce Commission on the space plan. But he states in relation to that that if annual weighing, instead of quadrennial weighing, were in force, under the weight plan, then the compensation would be about the same. Of course, the old law provided for quadrennial weighing, which was a difference against the railroads of about 8 per cent.

Mr. CANNON. We are going to stick by the space plan, anyhow?

Mr. STEENERSON. That remains to be seen. It may be that there are economies sufficient to justify that.

Mr. MOON. Will the gentleman yield there for just a minute?

Mr. STEENERSON. In a minute. It may be that there are economies sufficient to justify the continuance of the space plan.

Mr. MOON. The space plan was intended primarily not merely to reduce the cost of carrying the mail, but to establish an accurate and successful system of computation of pay, which could not exist under the quadrennial weighing.

Mr. STEENERSON. I did not hear the last statement.

Mr. MOON. I was going to suggest right there that it was impossible under the old weight system to tell, as the Postmaster General said, within \$15,000,000 per annum what the compensation of the railroads ought to be. Of course, the railroad service has grown, and the expense has grown, and it must be expected that there will be more compensation paid than has been paid heretofore to the railroads. The new system, in my judgment, has been very efficacious in holding down that gradual increase, which was abnormal, of from \$4,000,000 to \$5,000,000 per annum which we had heretofore.

Mr. STEENERSON. I would say no. The Interstate Commerce Commission is considering a motion for a review of the basic rates, and it is possible that if they review that and make a decision more favorable to the Government, this space plan will be as economical as the old weight basis. It is not now.

Now I yield to the gentleman from Washington.

Mr. MILLER. My attention is directed to amendments numbered 7, 8, and 21, relating to aerial mail service. I would like to inquire of the gentleman from Minnesota as to the provisions of the House and Senate bills, respectively, regarding this aerial mail service. Were there not provisions in either of those bills regarding aerial mail service along those lines that are established in this conference report?

Mr. STEENERSON. First, as to amendment No. 7, that was a Senate provision. It was inserted in the bill—

Mr. MILLER. In the Senate bill?

Mr. STEENERSON. No. It is a House bill, but it is a Senate amendment to the House bill.

Mr. MILLER. Now, if I understand the situation correctly—

Mr. STEENERSON. Does the gentleman want me to answer?

Mr. MILLER. I understood the gentleman had answered.

Mr. STEENERSON. No. If the gentleman will excuse me, the original proposition was a Senate amendment. The House managers struck out the word "materially" in that proposition.

Mr. MILLER. That was in the last conference report. The word "materially" was in the conference report at the time the report was brought out on last Thursday?

Mr. STEENERSON. Yes.

Mr. MADDEN. No; I beg the gentleman's pardon. It was not. I moved to strike it out in the first conference, and it was stricken out, and the motion was agreed to unanimously.

Mr. MILLER. I think the gentleman will find it in the report.

Mr. MADDEN. I know exactly what was done.

Mr. STEENERSON. Wait a moment. I think these gentlemen are both mistaken, because the effect of the action of the conference was to retain the word "materially" in the bill.

Mr. RANDALL of California. No; it was stricken out last time.

Mr. STEENERSON. Yes; "materially" was stricken out.

Mr. MADDEN. I know I am not mistaken.

Mr. STEENERSON. No; the gentleman is not mistaken.

Mr. MILLER. Then under the conference report the only aerial mail service that can be established in the United States, except where it competes in cost with railway transportation mail, is on the New York to San Francisco route?

Mr. STEENERSON. The gentleman will bear in mind that there are two kinds of aerial mail service possible under this bill. One is the directly authorized aerial mail from New York to San Francisco; that is, authorized as a Government-operated aerial mail service.

Mr. MILLER. That is the only one, is it not?

Mr. STEENERSON. The only one. But at the suggestion of the department this clause was added to the section of the bill, that the department could establish contract aerial mail service between such points as they might designate, provided that the expense thereof should not exceed the expense of carrying the mail by rail.

Mr. MILLER. Now, to carry any quantity of mail by aerial service will in all human probability increase the transportation cost over that by railroad.

Mr. STEENERSON. Well, I will tell you: I stated before, when this matter was up, that I believe it is a great deal more expensive to carry first-class mail by airplane than by rail.

Mr. MILLER. Yes.

Mr. STEENERSON. But the Second Assistant Postmaster General has stated that they can carry it as cheaply, and, in

fact, more cheaply, by airplane. I will recite the testimony in the RECORD when I extend my remarks.

Mr. MILLER. Then, why was not the New York to San Francisco line established on that basis, and why is it necessary to appropriate \$1,250,000?

Mr. STEENERSON. Let me say that the House committee did not originate that proposition. It originated in the Senate, and we agreed to it by reducing the amount of the appropriation to \$1,250,000. We agreed to that proposition because we were unable to get the Senate conferees to recede. It was a close vote, but rather than have a deadlock between the two Houses the majority of the conferees agreed to yield.

Now, then, there is this to be said: That the proposition was urged mainly on the ground of military reasons, and they cited the testimony of Gen. Mitchell before their committee; and I will, if I get permission of the House to extend my remarks, insert those remarks of Gen. Mitchell in these remarks of mine. After enumerating all these advantages of this transcontinental route, the principal thing in his testimony was this: They asked him if it was thought advisable under the economic conditions to establish more than one transcontinental route, and if the Government felt obliged to limit itself to one route across the continent, which route would be selected. And he said, "By all means, the direct route from New York to San Francisco." Now, I am just as sorry as the gentleman from Washington is that he did not say "Seattle," because if he had said "from New York to Seattle," it would go right through Crookston, Minn., my town, every day. But when you are legislating for the American people, when you are legislating for the public safety and for military reasons, then we must disregard these local considerations. The gentleman probably is familiar with the testimony of Gen. Mitchell?

Mr. MILLER. I am familiar with his testimony before the Committee on Military Affairs on that same point, and his testimony, if I am not mistaken, is that the air currents of the northern line and of the southern line are entirely dissimilar from the air currents on the central line, and there is some military significance of an aerial mail service on the central line, and none on the northern and southern lines will yield anything in the military aspect of the situation, because the air currents are entirely different.

Mr. STEENERSON. Well, I will say to the gentleman that I am not going to enter into a scientific discussion of aeronautics; but the gentleman must concede that it would be unwise, and it would not be fair to the people, to authorize the establishment of aerial mail routes to be operated by the Government all over the country—to Seattle, St. Paul, Omaha, or St. Louis, to Atlanta, to Los Angeles, and to every other town that wants an aerial mail route. We compromised on this theory, that if the Department states what is true—incredible as it may seem—that so far as first-class mail is concerned, it requires so much space in expensive distributing cars, these railroad post-office cars, that they can actually carry just as cheaply and more cheaply by airplane, because they say then they work the mail and sort it, and make it ready for delivery on the route to the cities of destination before it is loaded on the airplane, and therefore the space occupied in the distributing cars is saved. You do not have to pay that expense. I have repeatedly said that I doubt it, but, assuming for the sake of the argument that it is true, then the air route will be established to the gentleman's satisfaction and not cost the taxpayers anything, because we will pay the air-mail contractors more than we pay the railroads for the same service. Page 4961, CONGRESSIONAL RECORD, Senator McKellar read from the hearings as follows:

Senator STERLING. Do you recall now what the saving is, Mr. Praeger?

Mr. PRAEGER. Yes, sir. Take our present route New York to Washington, the cost of the service would be \$120,000. The saving in car space and distribution is \$162,000.

The cost of the service extended to Omaha—just the one line New York to Omaha—should be \$575,920.

The saving on car space and clerical hire would be \$811,430.

On the same page appears the following with reference to cost of aerial mail:

Mr. DIAL. Mr. President, so far as being self-sustaining is concerned, I submitted in what I said previously the figures obtained from the department, which showed that it was practically self-sustaining now, and they feel satisfied, therefore, that it will soon be absolutely self-sustaining. I submitted that information to the Senate because I thought it might be of interest to them. I would state also that the testimony before the committee showed that 90 per cent of the schedule trips are accomplished.

Therefore we thought the best course to pursue was to establish one Government-operated line and authorize them to contract for as many as they saw fit, provided it did not cost any more than the ordinary service by train.

The department favors contract air-mail service rather than Government operation. Mr. Praeger at the hearings said:

Personally I do not believe a greater thing can be done for aviation than to grant us authority to make contracts with some of these aeroplane companies that are operating as private corporations. That would accomplish more than all the Government flying will do in the way of advancement of aeroplane service.

Mr. MILLER. Was the question of establishing an aerial mail route from San Francisco south to the Mexican border and from San Francisco north to the Canadian border as a part of this system discussed by the conferees?

Mr. STEENERSON. Oh, yes; it was pointed out by the conferees on the part of the Senate that it would be an advantage from the military point of view, looking toward our protection on the south and on the north, and they cited the testimony of Gen. Mitchell that when you have the flying machine at Omaha or at Ogden you can very rapidly reach the Canadian border in a few hours, or you can mobilize them on the Mexican border. It is equidistant between the two points; whereas if you had them in the State of Washington you would be very near the Canadian border, but you would be very much farther away from the Mexican border.

Mr. MILLER. I am not exclusively interested in the State of Washington, although, of course, I have it in mind, but I am interested in the entire Pacific seaboard, where the military aspect of this thing is of the greatest possible importance. That is the combined testimony of all the officers connected with the aerial service before the Military Affairs Committee.

Mr. STEENERSON. I will say to the gentleman that no one can be more proud of the great Pacific coast country than I am. I take great pride in the city of San Francisco, and in the cities of Seattle, Portland, Los Angeles, and San Diego, and I would do anything in the world that I could do legitimately and fairly for each one of them; but seeing that San Francisco happens to be between the two northern and southern borders of the country and that the combined judgment of this military authority and of the Senators with whom we conferred was that this was the best line for military purposes, as well as for experimental purposes, we yielded. Of course, if I had been as well-informed on military matters as the gentleman from Washington [Mr. MILLER] I might have held out, or probably the majority could have held out.

Mr. MILLER. I hope that when the next bill comes before the House or when next the conferees are considering the military aspect of this thing, they will give it to some locality where it will be of some positive, affirmative benefit to the Military Establishment.

Mr. STEENERSON. I am very glad to know that, and I was going to ask the gentleman to read the testimony that I will insert in the RECORD on this very point.

STATEMENT OF BRIG. GEN. WILLIAM MITCHELL, UNITED STATES ARMY AIR SERVICE.

Gen. MITCHELL. Mr. Chairman, in beginning the few remarks I have to make I would say that I think you will have to look at the question of air service from all standpoints. We, as a Nation, need an air service for three principal things. One thing is for military purposes; that is, as a defensive arm of the Government. Another is for civil purposes, and by civil purposes I mean for the use of the civil departments of the Government in the execution of their various lines of work which have been assigned to them. The Post Office Department service would come under that heading. Third is the commercial development of the proposition with a view to its use in the future as a means of communication and transport of freight and passengers.

As to the first, the military use, there is no question that you have got to provide for it in one way or another. It has simply got to be provided for.

As to the second, the Air Service has no competitor whatever where it is a question of delivering something at a terminal station in the air. Do you understand what I mean by that?

The CHAIRMAN. I am frank to say that I do not.

Gen. MITCHELL. If you wish to deliver cannon and machine guns at a place in the air to attack other aircraft or tanks on the ground or infantry marching on a road, aircraft must deliver them there; nothing else can. If you want to map a certain place by photography, the only thing that can deliver the camera up in the air is the aeroplane; this can cover the area very quickly. Where you come into competition with means of communication on the ground, there you have to contend with steamships, with railroad trains, with animal transportation, with dog transportation in the north, or with some other kind of transportation. In other words, you are coming into competition there as a carrier. That is a point I wish to make.

From a military standpoint you have no competitor whatever in the air. You are delivering everything at a terminal station in the air. In so far as mapping is concerned, some phases of life-saving work, the question of air patrol and things of that kind, you have no competitors.

With the Post Office work it is true that you have competitors in these various activities, but on account of the fact that our ground organization—by that we mean our organization of airdromes, communication between airdromes, dissemination of meteorological data between those airdromes, which has to be adopted as a system, can be used by all these activities that I speak of. I believe that in time of peace you will get more returns from keeping up this constant flying for the Post Office Service than you will probably from any-

thing else, because in time of war we have to fly under any and all conditions and in any and all sorts of weather. In time of peace we do not have the same incentive in the Military Service. However, with the Post Office Department they have to keep a regular schedule, and they have to carry certain things right across the country, and they have to keep it up anyway. I believe that from the military standpoint, keeping up your ground organization, and from the navigation and scientific standpoint of making people fly, that it will give more from a standpoint of development than any other one aeronautical activity we have, or certainly as much. I think it is of the greatest importance that you should keep this thing up, and I believe every cent you put into it will be repaid more than two-fold from a national defense standpoint, if not anything else. It is of greater importance, and the longer you make the routes the better.

These in general are my ideas. I have diagrams which show very plainly the various air service routes that I have just mentioned. As to ground organization, we should have in this country, in the event of war or trouble, a series of landing fields throughout the country, which at the same time will do for the Post Office Department, to use in time of peace, for aviation required by any civil department of the Government or for commercial aviation in general. You can not help commercial aviation any more than by providing landing facilities for it, fuel stations and oil stations, certain repair facilities, and things of that kind. By extending the post-office work we will create that system of ground organization and it will be maintained so that it can be used by anybody, in addition to all the other things. I can not say too much for the proposition.

The CHAIRMAN. Tell us more about it. Let us have your full views. For instance, you say the longer the route the better.

Gen. MITCHELL. By the longer the better, I mean this: If you take a short distance like Washington to New York or Washington to Atlanta or something of that kind the difference in speed between your carriers on the ground and your carriers in the air is not so manifest as it is at a greater distance. If you will remember, a long time ago everybody said you could not compete with the horse in short-haul work with a motor truck; that you had to go a certain distance before the thing began to tell. It is so to some extent with air transport, and that is simply from the standpoint of transportation.

Furthermore, a short flight of two or three or four hundred miles involves a very small ground organization, and you do not need to coordinate your meteorological work and your information work along that line to the same extent that you do if you are going long distances. So the reason I say the longer the better is because the farther you make these routes the more benefit you derive and the more service they will render from the standpoint of speed, which the aeroplane has on every other carrier, and the more we are going to get out of it from the standpoint of organization of all these places and coordinating them together.

Suppose we start with a flight from New York. We have proved that we can fly any number of aeroplanes clear across the whole United States in 25 hours' flying time. We have done it. We have flown them over every route that you see marked on the map before you. We can fly clear across the continent in 25 hours' flying time, provided we have a ground organization.

One of our greatest military uses for aircraft will be in an attack of any force, whether in the air or on the water, coming from across the sea from either the east or the west. We believe that we can put surface vessels completely under the water if they will give us a chance; in other words, make these big ships practically leave the surface of the sea. We believe that will be done in the future. We know that, with any sort of adequate air force at all, we can practically stop the debarkation of troops from ships by direct air attack.

Consequently, with our resources in this country of men and material, which make us practically independent if we are organized, so far as sustaining ourselves is concerned, that even if both seas were held by an enemy so that they could get to our coast, yet if we had an air force in the center of the United States so we could throw it to the west or to the east it would be the greatest strategic reserve we could have. But in order to have that efficient you have got to have a ground organization. You have to have landing fields, fuel stations, and your intercommunication and your meteorological system as applied to the air, which we have not got in this country to-day at all. That will benefit agriculture and all sorts of things if we ever get it organized, from the standpoint of the air—that is, the meteorological end of it.

So it is of the greatest importance, in my opinion, that we get these long routes, or particularly the route from New York to the Pacific coast, organized on this basis. One of the most important factors in the continued use of that is its being kept up and developed in the establishment of a post office system, and at the same time the Government otherwise would get a great deal out of it.

Once they establish that one across the continent we can go north or south or anywhere. Across the continent it is less than 3,000 miles, while north and south it is within range of a very quick and easy flight. Take any difficulty we might have along the Mexican border. We can shoot a bunch of aeroplanes down there in a very brief time. In the vicinity of Omaha, Topeka, Wichita, St. Louis, Kansas City, Rock Island, anywhere in there is a splendid place for the development of our air forces in case of trouble—that is, with a view to using it on the Pacific coast, the Atlantic coast, or south or north.

I am so much interested in this thing and I have seen what great benefits these long flights have amounted to in Europe, that I am confident this next summer we will push through to Alaska. We are going up through the Dakotas and through Canada to Alaska. We think we can get to Alaska in four days without any trouble. We think we can get, for instance, to Edmonton. We want to go through there. It is almost a straight shoot on a great circle. We are also going to develop a route from Puget Sound near Seattle to our southernmost island off Alaska. The trouble about this is the fog, which greatly interferes with us.

Senator HENDERSON. That is on the coast?

Gen. MITCHELL. Yes, sir. We have two ranges of mountains until we get to Alaska and then we have three ranges. We have the Coast Range and the Rockies, and when we get to Alaska we have the Coast Range, the Alaskan Range, and the Rockies.

The worst impediment to navigation in the air which we have is fog. That is the worst thing we have to contend with. It is the hardest problem for us to solve. If the mail service has to fly in any kind of weather, it will tend toward solution of that quicker than anything else.

Senator STERLING. Do you think there is a solution for it?

Gen. MITCHELL. There is no question about it. We are sure of it. This is just a way of working it out. In war we do not have time to work these things out. We had to put everything on the front and go to it. We have not begun really to work with this thing yet. These

things that have been done have been with war equipment hastily adapted to the experiment, just for the sake of seeing what could be done.

The CHAIRMAN. Are there any great present obstacles in the way of extending that line from Omaha to the Pacific coast?

Gen. MITCHELL. None whatever. We went right over this route from Chicago to San Francisco with a ground organization that we put in effect in about 14 days and had no trouble in getting across; but in order to maintain that on an economical basis and the way it should be maintained, it should be definitely organized with landing fields, with a meteorological system, and an intercommunicating system between them.

By organized, I mean that you have an airdrome at any one place, for instance, at Omaha. You have there a wireless station which can be used in fog or at any time. By that means you can steer the aeroplane for them just as a ship can steer for a lighthouse out in the ocean. That disseminates meteorological information. You can tell the crews of the aeroplanes what height to fly in order to get the best wind conditions, either helping them or against them.

For instance, the other day I got off the ground with a 36-mile wind, and when I got up 6,000 feet there was 85 miles of wind. On another day, when I went up, there was wind from the north of 26 miles on the ground, and when I got up 7,000 feet there was a wind from the northeast of about 55 miles. If a man in an aeroplane goes up without the means of being told from the ground what the air conditions are, he can not tell in the air himself, except in a very indefinite way. That can be told him from the ground, however, and he then takes his readings from the compass and direction readings so as to offset both, and keeps on flying in the direction the wireless impulses indicate.

A great deal of development is necessary for landing in clouds of fog. We can guide the plane toward the airdrome, and we have a means of telling the man in the air when he is over the airdrome. The question is to get down to the airdrome in that plane without stalling and falling or smashing the plane when it comes down. There are several different methods of doing that now which need a thing like the Postal Air Service to be applied in order to perfect it. Once you perfect landing in the fog, that solves the aeroplane business.

I mention these things in connection with the Post Office Department wholly because, in my opinion, that will form a continuous system of aeronautical development under all sorts of conditions which it will be difficult to get in any other way.

In flying from east to west you have, as I remember it, about 400 miles where the ground elevation is 6,000 feet.

Senator HENDERSON. From what point to what point?

Gen. MITCHELL. That is from about Sidney nearly to Sacramento; that is before you start going down into Sacramento. The highest point that one has to fly at is about 11,000 feet.

Senator HENDERSON. That is when you go over the Rockies and the Sierras?

Gen. MITCHELL. Yes, sir.

The CHAIRMAN. Do you have serious trouble in rising from the ground to these high altitudes?

Gen. MITCHELL. It depends on the engine you use. With the old engines that we had, it was very difficult to rise from the ground in an altitude over three or four thousand feet, but with the present engines that has been very largely eliminated. We have some engines that can go higher, have very much more ceiling, as we call it, than others in this air, and we have to use the machines with a high ceiling to get the lift necessary. The best lifting engine that we have is called the 300-horsepower Hispano-Suiza engine. That has a very good altitude capacity.

Another thing we will probably use in the air mail is the turbo booster. It is an arrangement which is put on the motor. It is a turbine which is put on the motor and utilizes the exhaust gases to actuate the turbine, which in turn actuates an air compressor, which delivers compressed air back to the carburetor, and that allows you to get more altitude, because one reason for the inability of gasoline motors to go high is due to the lack of oxygen and air in their mixture.

The CHAIRMAN. Has anybody tried to get a patent on that for perpetual motion?

Gen. MITCHELL. It is a very interesting proposition. With that device we can get an altitude that before was absolutely impossible. As you get your altitude, on account of the rare condition of the air the resistance against the aeroplane is reduced and thereby you gain speed, so that we believe that within a comparatively short time we will get speeds of at least 300 to 500 miles an hour by getting the altitude.

Senator STERLING. An altitude of over 30,000 feet has been reached, as I remember.

Gen. MITCHELL. We have gotten, with the ordinary aeroplane—that is, very heavily loaded with two passengers in it—30,000 feet. We believe we will get 50,000 feet. We believe we will get that possibly this year. If you have an adjustable propeller applied to it, you can set it to climb until you get there, and then set it for speed horizontally and the speed you get is just a matter of conjecture. We know we will get tremendous speed.

The CHAIRMAN. Will you state whether in your opinion the Post Office Department in its experiments during the last 20 months or during the time it has been operating under this law, has contributed anything of material benefit to the art of aircraft?

Gen. MITCHELL. I think it has. I think it has been more of an incentive toward commercial aviation than anything we have had in this country, in that they have maintained a constant air system between certain points.

The CHAIRMAN. Has the department made any improvement upon aeroplanes, in your judgment?

Gen. MITCHELL. I think that within that time they have not attempted to. That is too short a time with the problem they had to make any very great improvement, with the money they have. They have taken some of the war equipment and transformed it to some extent, which has rendered it very much better for their particular work; but as to getting out any new devices they have not had the opportunity to do that and they can not do it in the length of time they have had. They have adopted some existing equipment by slight changes; for instance, the DH-4 has been made into a twin-engine airplane.

The CHAIRMAN. That is of very high value, is it not?

Gen. MITCHELL. It increased the surface and puts in an engine that is more reliable, and in that respect it is a good thing. But remember that is only an adaptation. There is nothing new about it. It is an adaptation of existing things. If we had a development along this line, then we could devise entirely new things with the proposition. There is the question of speed for landing, which is the most destructive thing we have. It depends on the amount of loading per

square foot of wing. If you had some method by which you could furl the wing and then unfurl it as you got down to the ground, or if you could block your downward flight in the air or parachute yourself, then you could begin to eliminate these troubles. On the other hand, coming back to speed, there are many other improvements that might be and probably would be developed if we had the opportunities that would be provided by the development of such a route as we have under discussion. We will have a chance to undertake to develop these in a flying route across the country, such as the Post Office Department have in mind.

The CHAIRMAN. Do you have in mind any such practical demonstrations where the use of the aeroplane as that proposed by the Post Office Department in its experiments? Are there any other agencies that are employed by the Government or by you that could accomplish the same things or better things than are being accomplished by the Post Office Department in this experiment?

Gen. MITCHELL. No; not in that particular line of work. There is no agency of the Government that could develop continuous flying like this service. All this talk about flights to India and South Africa are not as continuous and the total distance covered will not be as great as if you will establish a line straight across this country. This is a big proposition.

The CHAIRMAN. Do you have any idea as to the practicability of this for mail-carrying purposes?

Gen. MITCHELL. That can be better told by the Post Office Department. They can tell much better than I. I believe that all scientific developments and all this overhead of the stations—in other words, all the administration overhead—should be carried in one place so as to economize the cost to the Government. If you keep this stuff—and by stuff I mean the development and this administrative overhead, including a technical section, a finance section, a contract section, and everything that goes with it—under all these different departments of the Government you will, in my opinion, get a minimum development in proportion to the amount of money you put into it.

The CHAIRMAN. A minimum amount you say?

Gen. MITCHELL. I think you should have all these organizations—the ground stations, the procurement of material and personnel, their training, the inspection of the aircraft, the inspection of pilots, the question of international police and regulations—under one scheme of control. Then when any of these are assigned for work under any department of the Government they ought to pass under their exclusive control. If you could apply, for instance, the money that is appropriated to-day for all these departments of the Government, the Army, the Navy, the Post Office Department, and lump it together and cut out all this unnecessary stuff and put it under people that knew something about it I believe you would get 30 per cent more out of it in efficiency and development than you do to-day.

Senator STERLING. Your theory would be that there should be a separate department?

Gen. MITCHELL. There is no question about it. The more you think about it the more you will realize it. People do not know enough about it yet to be able to appreciate that.

The CHAIRMAN. Is there any jealousy between the War Department and the Post Office Department in reference to the aircraft work?

Gen. MITCHELL. I can not see why there should be. Anybody who looks at postal aviation on a very broad plane of development for the country can not feel any jealousy. It ought not to be allowed to interfere in any way.

The CHAIRMAN. I am pleased to hear you state one thing, because if I understood you correctly it meets with my approval. Whatever arrangement we made, whether we had a central aircraft department or not, if we provide the Post Office Department with equipment, that department ought to be supreme?

Gen. MITCHELL. It has to be; it can not be any other way, because they have to operate on schedule, and in order to do that they have to have discipline among their personnel. They have to get the people best qualified to do that particular work. On the other hand, all these people ought to be available for war in case of necessity, and all the aircraft ought to be so constructed that they could be quickly converted.

Senator HENDERSON. They would be, would they not?

Gen. MITCHELL. Yes, sir. Take the Post Office Department right now—we could help them vastly if we only had authority to do it and were allowed to do it.

The CHAIRMAN. How could you help them?

Gen. MITCHELL. In the first place, by keeping up all their repair and salvage and not requiring them to have a separate department of repair, supply, and salvage. We could overhaul all their motors in our regularly constituted repair and supply depots. In fact, we have started to do that at Indianapolis for them. We could salvage all their ships for them. That is a thing that is very important in the air business. If you have an efficient salvage department you save tremendously, and if you do not, you lose a great deal. A big ship crashes out here, and you must have an organization that will go there and take the things off that are worth saving and leave the things that are not worth saving. Often it is not worth the freight charges to ship them to a certain place.

On the other hand there are certain instruments and parts of motors and all that sort of thing that are very necessary, and we can save them very easily. We always have to have three elements in that portion of any airdrome. One is supply, the other is salvage, and the third is repair. Those three things have to go hand in hand. These could do work for all departments using aircraft. There is no use in the Navy maintaining one, the Post Office Department maintaining one, the Army maintaining one, the Geological Survey maintaining one, and the Agricultural Department maintaining its forest patrol. There is no sense in it at all.

Senator HENDERSON. Have they aeroplanes in the forest-patrol work now?

Gen. MITCHELL. Yes. The Army planes are being used for that purpose, and they can very well do it at this time when they are not doing any other things in time of peace. We consider that the second most important thing of advantage in the several departments of the Government. I believe the Department of Agriculture is ready to tell you that in the first six weeks we put that into operation it saved them more money than the combined appropriation for all the air services of the Government.

Senator HENDERSON. When was that put into operation?

Gen. MITCHELL. The 1st of July, I believe, last year.

Senator HENDERSON. There may be requests made for an appropriation in the Agriculture bill?

Gen. MITCHELL. It is very important indeed.

Senator HENDERSON. This will mean another air service under another department.

Gen. MITCHELL. The Coast and Geodetic Survey will want the same thing and the Geological Survey will want the same thing. You will have those requests for appropriations coming from all sides, and once you get somebody practical and responsible for the Air Service in the Government, then you can put your thumb on him, and you will have accomplished something very practical. It is very difficult to start an air service. The air service that has been started by the Post Office Department has been started on personnel trained by the Army and on material furnished by the Army.

The CHAIRMAN. Have they reconstructed it very largely?

Gen. MITCHELL. They have reconstructed it and modified it and fixed it up very considerably; but do not forget, that stuff came largely from the central pool, and alone and unaided an air service is very difficult to get going.

The CHAIRMAN. But the Post Office Department put it in shape and used it?

Gen. MITCHELL. Yes, sir.

Senator HENDERSON. If Congress should decide they would adopt one of the recommendations made by the Post Office Department as to aerial routes, which one do you favor, and which one do you think would bring the greatest benefit to the military organization?

Gen. MITCHELL. The longest one—that is, from New York to San Francisco—absolutely and unquestionably. That would show you more than all the rest put together, because you get all the conditions of climate and all the altitudes that are encountered in this country, and, of course, all the temperatures. We get meteorological data across here as the air currents vary, and that data would be invaluable. I personally think you can deliver mail in 36 hours from New York to San Francisco. I think we will find night flying is best all through the whole middle part of the country, from the Alleghenies to the Rockies.

Senator STERLING. A while ago you spoke about 25 hours.

Gen. MITCHELL. That is, 25 hours of straight flying. In order to get 25 continuous hours of flying we would have to fly at night. If you have an organization very strong and capable of having these aids to air navigation, you would do it in 25 hours. I believe to-day—that is, I mean within two or three months—that the organization we could put in there would be able to deliver mail from New York to San Francisco ordinarily in 36 hours. We relayed a message from Nogales to Brownsville the other day in eight hours. Only an hour and a half or two hours from that would carry it from Nogales to the Pacific coast. It is interesting to do those things. We want to begin to try these things out, but we have scarcely made a beginning yet at all.

Senator STERLING. It is a very fascinating field.

Gen. MITCHELL. The great thing is that you go out and try these things, and you find that you can do them.

The CHAIRMAN. Have you anything further you wish to suggest to the committee?

Gen. MITCHELL. Nothing in particular; however, I would be very happy to answer any questions.

Senator HENDERSON. Are there any other maps you wish us to see?

Gen. MITCHELL. There are many things dealing with the air organization and military use of air forces that might be interesting but would take some time to explain.

The CHAIRMAN. We are particularly interested in laying out this line from New York to San Francisco.

Senator STERLING. You have not gone into the question of cost, I suppose, of maintenance?

Gen. MITCHELL. I think the Post Office Department are better qualified to speak about that than I am, because they know the comparative cost from an air standpoint and with respect to the class of carriers that they come into competition with on the ground. I think when you begin to compare costs between the air and ground it does not actually show the benefits that come from the air on account of the time factor and the development factor and the asset that it is to the Government, which you can not measure in money value.

The CHAIRMAN. I quite agree with you on that. Personally, I would not consider the question of carrying mail by aeroplane if the whole object was to make it of use in the mail service. I think there are other and larger questions which can be developed at the same time, and that is the reason why I am looking with some degree of favor upon the continuation of this service.

Gen. MITCHELL. I think if you would try to look at all our questions from the standpoint of the air, they are all connected up with each other and all of necessity connected up, their use, their upkeep, their scientific development, and their regulation from a national standpoint and from an international standpoint—I do not see how you can divide it and get any efficiency out of it. Your right hand will not know what your left hand is doing unless you do that.

The CHAIRMAN. May I ask, Gen. Mitchell, what you are doing now?

Gen. MITCHELL. I am in charge of operations and training in the Army Air Service. I formerly commanded the Air Service with our armies on the front in Europe.

The CHAIRMAN. Do you know how many men have been assigned to the Post Office Department in the Air Service?

Gen. MITCHELL. The Post Office Department are better able to tell. I think they have 21 pilots and 150 men.

The CHAIRMAN. They came from your service, did they?

Gen. MITCHELL. They were all either trained in our service or practically so—that is, all the pilots and the majority of the mechanics, because so far the Governments have been the only ones that could give very much training. It is a very expensive proposition. I see frequent references in the debates in Congress as to what became of the \$640,000,000 in this country appropriated for air purposes. It must be realized that a navigating personnel of about 15,000 people is either fully or partially trained. That is, 15,000 pilots and observers received training in the service, and that takes a great lot of equipment and a great lot of money, both from a financial standpoint and from the standpoint of the time, which is of vast importance when you get into war.

The CHAIRMAN. Do you have any control over the men in the Post Office Department?

Gen. MITCHELL. None whatever. They are hired by the Post Office Department and used as civilians. I think that is a very good way to use them.

The CHAIRMAN. They are no longer connected with the Army Air Service at all?

Gen. MITCHELL. No, sir.

The CHAIRMAN. They are discharged men?

Gen. MITCHELL. Yes; just the same as any other activity of the Post Office Department.

The CHAIRMAN. I think that is all, General, unless you have something further to suggest. We are very much obliged to you for coming here. I think you have given some information with reference to the particular branch of the air business that will be of benefit to us. We are not considering the consolidation of the Air Service or any of those large questions, but are merely considering a direct appropriation. We wanted to submit to you the situation for such information as you could give us on these projects that have been in contemplation by the Post Office Department.

Gen. MITCHELL. I think it is a very, very important thing, and I personally not only think we ought to use heavier-than-air craft in it, but I think lighter-than-air craft ought to be used in it also. That has not been brought up yet.

The CHAIRMAN. Just what do you mean by that?

Gen. MITCHELL. I mean large, rigid airships, to not only carry first-class matter, but second-class matter and all sorts of traffic. They are perfectly practicable. They have gone away past the point of development. The first one appeared in Europe some 20 years ago, and we have not got one in this country yet. We could use them all or part of the time for carrying mail.

Senator STEERLING. With reference to the heavier-than-air craft service, what do you think about the possibility of developing it beyond the mere matter of carrying mail and developing it so as to allow the transportation of passengers, etc., for long distances?

Gen. MITCHELL. I think it has a great future, but I think if you ever want to make it practicable, to develop the means of navigation I have just spoken of, including the solution of the fog problem, you will have to work on certain safety devices. We are getting the safety end of it solved a little bit more all the time. This division I spoke about last should take care of the flier in the air, and things of that kind unquestionably will be solved if we have an opportunity of keeping at work on it all the time, which this will give us. That is the proposition. The question of military preparedness in this country is always a political question, because the menace against us is not as constant as it is, for instance, in Europe, with the result that our appropriations go up and down and we can not have the same continuity of development that we might get in Postal Air Service. We have to have continuous work for development. With reference to the automobile, if they had had no continuous work for it and if it had been experimented with for awhile and then had to take a big long recess until another war, we would not have been anywhere with motor vehicles. That is the point about it.

The CHAIRMAN. I think that is all, Gen. Mitchell. We are very much obliged to you.

Gen. MITCHELL. I am very glad to have been able to come before the committee.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. What makes you shut out St. Louis and all that great southwestern country?

Mr. STEENERSON. We plead not guilty to shutting out anybody. We had to draw a straight line from New York to the Pacific coast via Chicago, and that is what we did.

Mr. CLARK of Missouri. Are they going on a straight line?

Mr. STEENERSON. Practically so.

Mr. CLARK of Missouri. How fast do these machines go on a long trip?

Mr. STEENERSON. About 120 miles an hour.

Mr. CLARK of Missouri. Is this supposed to be entirely for the benefit of the Army?

Mr. STEENERSON. Not entirely. It is supposed to have some value as a mail-carrying proposition. To my mind it would be an indefensible expense unless it had its military value, which has been pointed out.

Mr. CLARK of Missouri. I will ask the gentleman if he does not know that if we make this appropriation Congress will continue to make one every year as long as the world lasts?

Mr. STEENERSON. Oh, no.

Mr. CLARK of Missouri. And that this is just the beginning.

Mr. STEENERSON. The gentleman will certainly remember that I have been against this whole proposition.

Mr. CLARK of Missouri. I thank the gentleman for that exhibition of good sense.

Mr. STEENERSON. The gentleman need not shake his gory locks at me and say I did it, because I was not in favor of spending the public money on this aerial postal route.

Mr. CLARK of Missouri. What made you agree to it, then?

Mr. STEENERSON. The majority of the managers agreed to it.

Mr. DYER. The people want it and Congress wants it, in my judgment.

Mr. ROUSE. It was the best thing we could suggest. That is the reason we agreed to it.

Mr. CLARK of Missouri. Has it ever been demonstrated that this carrying of the mail by flying machines is a successful performance when you consider all the circumstances—the cost and all the rest of it?

Mr. STEENERSON. I think it has been demonstrated that it is not a success, and that is the reason why we have not continued this route from here to New York, because I have evidence in my possession from men who have taken the books and recorded the facts that the mail was actually delayed by the aerial service from New York to Washington.

Mr. CLARK of Missouri. You said it is cheaper than by rail?

Mr. STEENERSON. I said the department claimed it was cheaper.

Mr. DYER. The department is the best authority on the subject.

Mr. RANDALL of California. The gentleman said the records showed that it was a failure.

Mr. STEENERSON. I did not say the records of the Post Office Department. I said the records in my office, compiled by employees.

Mr. RANDALL of California. The records of the flying with the mail from Chicago to New York show an efficiency record of 92 per cent deliveries, and as compared with the railroad time tables that is a very efficient service. The railroads are on time about 65 per cent of the time, but the airplane deliveries of the mail between Chicago and New York are on a 92 per cent efficiency basis.

Mr. STEENERSON. It depends on what you call an efficiency basis. If you call it efficient when they do not kill the aviator and burn up the mail, I presume that is true. But there are many other accidents delaying the mail.

Mr. DUNBAR. Will the gentleman yield?

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Indiana [Mr. DUNBAR], a member of the committee.

Mr. DUNBAR. Does not the record show that the transportation of the mail between New York and San Francisco by airplane shortens the time something like 58 hours, and that, too, in the face of the fact that no traveling is done during the night, and that the two extremes of the country are brought that much closer together in point of time?

Mr. STEENERSON. I regret that I am unable to admit the statement made by the gentleman.

Mr. DUNBAR. The transmission of mail by aeroplanes covering long distances is greatly facilitated by aeroplane service, and the transmission of mail from New York to San Francisco is a good thing, yet for short distances it would not be so acceptable.

Mr. STEENERSON. I have no answer to make to that.

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. BLANTON. When we had this question up before in the House, the distinguished chairman mentioned his opposition to the matter and incidentally stated that he called to the attention of the department the fact that they had left out the gentleman's Twin Cities in Minnesota from this aeroplane mail service. Thereupon the department promised the chairman that it would establish this service in the Twin Cities within 60 days, and thereupon the gentleman stated that that got the Minnesota vote. I want to ask whether or not the department has again promised this service to the Twin Cities in Minnesota?

Mr. STEENERSON. If the gentleman will excuse me, I will say that the recital of the conversation by the gentleman is not correct, and although he has tried two or three times, he is still incorrect.

Mr. BLANTON. I will put the exact remarks of the gentleman in the Record:

[Excerpt from speech of Hon. HALVOR STEENERSON, on page 1578 CONGRESSIONAL RECORD for Jan. 15, 1920.]

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. STEENERSON. Mr. Chairman, I should like to have 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, a year ago last month we held hearings on this item. It was then carried at \$100,000 for the year, and they asked for \$850,500. Before it was granted we examined Mr. Praeger with regard to it, and I mention this simply to show the methods employed by the Post Office Department to increase this appropriation.

I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill: "Mr. STEENERSON. You have not gotten to Chicago yet?"

"Mr. PRAEGER. Sunday week we will get there—on the 15th of December."

"Mr. STEENERSON. And then what time will you get to Minneapolis and St. Paul?"

"Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919."

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis. But under his statement the people have purchased an aviation field for \$25,000, and the board of trade are bombarding me with telegrams.

Mr. STEENERSON. In the bill which the gentleman refers to in the last Congress an appropriation was made of \$855,000 for aerial mail. When that was before the committee I did ask

the department if it included an appropriation sufficient to take care of the Twin Cities, and they said that it would by March 1 a year ago. That bill, however wrong it may be, was reported by the gentleman from Tennessee, the chairman of the committee [Mr. Moon], and it was voted for by the gentleman from Texas, voted "no" on motion to recommit the bill, and the conference report passed unanimously—CONGRESSIONAL RECORD, page 3790, February 19, 1919. If there was any pork barrel in it the gentleman from Texas is as responsible as anybody. The bill went through unanimously, and thereafter it was signed by a Democratic President. If there was anything wrong in the bill, I think it can be fairly charged to the majority of the House at that time.

Mr. BLANTON. Does the gentleman deny that he stated at that time that when the department promised the service by March 1 that got the Minnesota vote?

Mr. STEENERSON. No; I did not say any such thing.

Mr. BLANTON. I will put the exact remarks of the gentleman in the RECORD. And then to-morrow, on reading same, the gentleman from Minnesota will see that in his speech on January 15, 1920, wherein he quoted a colloquy he had with Second Assistant Postmaster General Praeger, he asked when the service would get to Minneapolis and St. Paul, to which Mr. Praeger replied, "In the spring—probably to Minneapolis in March, 1919." The gentleman from Minnesota then stated:

That, of course, got the Minnesota vote for the appropriation.

Mr. STEENERSON. What the gentleman from Minnesota said was said facetiously, that when the Assistant Postmaster General stated that this appropriation would include the service of Chicago to St. Paul and Minneapolis that got my vote, the Minnesota vote. I did not refer to anybody else. The gentleman from Texas has misrepresented me three or four times by saying that I pledged the other Members from Minnesota, and if he had a spark of fairness in his heart he would know that I was talking only about myself and I was not referring to the other Members from Minnesota. I said I would read and I read from page 54 of last year's hearings before the committee on the Post Office appropriation bill. I was the only Minnesota man on the committee. I only referred to myself.

Now, I refuse to yield any further. Mr. Speaker, I move the previous question.

Mr. OSBORNE. Will not the gentleman withhold that for a question?

Mr. STEENERSON. I will withhold it.

Mr. OSBORNE. I wish to get out of the stormy atmosphere that prevails at the present time and get down into the equable climate of the southern part of California. [Laughter.] I wish to ask if the committee in considering this matter of aerial service took into account the more comfortable, the more reliable air lines along the southern part of the country which terminate at the principal city on the Pacific coast of North and South America in population and wealth, namely, the city of Los Angeles?

Mr. STEENERSON. Yes; and we were very sorry that we could not bring Los Angeles and San Diego in.

Mr. CANNON. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. CANNON. Can not the gentleman suggest something in the report by which the aeroplanes will go over Danville, Ill., every day? [Laughter.]

Mr. STEENERSON. I certainly will, and you can get it under this bill if they can carry as cheaply as by rail. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 90, noes 5.

So the conference report was agreed to.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks was granted to Mr. STEENERSON, Mr. BLANTON, and Mr. MILLER.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a public interview with the Secretary of State, Mr. Colby, and a Delegate of Congress, on the freedom of political prisoners in Ireland.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

The CHAIRMAN. On yesterday an amendment was offered by the gentleman from Texas [Mr. BEE], to which a point of order was made by the gentleman from Illinois [Mr. MADDEN]. The question depended upon the facts of the case, in the judgment of the Chair. It was impossible to know at that time just what the facts were. The Chair has had an investigation made and is now ready to rule upon the point of order.

The paragraph of the bill under consideration to which this amendment was offered is as follows:

For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field-artillery practice, repairs, and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, \$50,000.

There is no question but what the amendment offered is germane to the paragraph. The amendment provides for an appropriation of \$88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas, heretofore authorized and now in use as a target range at Camp Travis in Texas.

Whether the point of order directed against the amendment should be sustained or overruled depends upon the facts in the case. If the purchase proposes the addition of a separate and distinct tract of land not adjoining and appurtenant to the Leon Springs Reservation, the point of order should be sustained; if the addition is adjacent to the Leon Springs Reservation it is in order as a continuation of a public work. There is no method of enlarging any public work that is situated as it must be upon lands except by amendment to existing law. It has been held that any continuation of an existing work is not subject to that point of order. This has been extended to include lands which are adjacent to that which has already been authorized by an act of Congress. The Chair has been informed in this case by the War Department that the land appropriated for in the amendment is not only adjacent to but is in fact within the present boundaries of what has been laid out and denominated the Leon Springs Reservation. Under those conditions the point of order must be, and is, overruled.

The question now arises on the amendment offered by the gentleman from Texas, which, without objection, the Chair will ask the Clerk to again report for the information of the committee.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. BEE: Page 40, line 25, at the end of line 25, add the following:

"Provided, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas, heretofore authorized and now in use as a target range for Camp Travis, Tex."

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. When this matter was up yesterday I made a statement of the case under the reservation of the point of order in respect to the merits of the question. Subsequently I discussed the point of order from a parliamentary status. I want to know whether I will be permitted to make a statement under this amendment as to the merits of the case, or am I precluded by the statement that I made yesterday?

The CHAIRMAN. The gentleman yesterday was authorized and, as a matter of fact, used five minutes in a statement in support of his amendment, but, of course, he can ask unanimous consent at this time if he desires to proceed further.

Mr. BEE. Mr. Chairman, I do not believe I care to make any further statement than what I made yesterday. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. HUDSPETH offers the following amendment: Amend the bill, page 43, after line 15, by adding, after the figures "\$80,000," the following: "That the sum of \$356,700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized and directed to make said purchase of said lands, to be used for a rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes."

Mr. KAHN. Mr. Chairman, I shall have to reserve the point of order on that.

The CHAIRMAN. The gentleman from California reserves the point of order.

Mr. HUDSPETH. Mr. Chairman, I would like to state to my friend from California that the facts in this case are identically the same from a parliamentary standpoint as those just passed upon by the Chair.

Mr. KAHN. Mr. Chairman, I am under the impression that the cases are not exactly identical.

Mr. HUDSPETH. I will state that they are identical. This land adjoins the Fort Bliss Reservation, right against it, and is now being occupied by the Army stationed at Fort Bliss as a drill ground and aviation field and rifle range.

The CHAIRMAN. If the gentleman from Texas desires to be recognized on the merits of his amendment, the Chair will recognize him.

Mr. HUDSPETH. I do; but I wanted to state that the facts are identical with the facts in the case just passed upon by the Chair.

The CHAIRMAN. The Chair will consider the point of order when it is made.

Mr. HUDSPETH. Mr. Chairman, I anticipated there would be a point of order raised against this amendment and I waited for the ruling in the other case. The reservation at Fort Bliss, Tex., comprises 1,280 acres of land; 640 acres were donated by the citizens of my home town to the Government and 640 acres were donated by the State of Texas. The Federal Government has never purchased an acre of land in the Fort Bliss Reservation or adjacent thereto. The Army of the Federal Government stationed at Fort Bliss has used this identical land for 10 years and has paid the magnificent sum of \$1 to the people of that city. I want to state further that this land was appraised by a committee appointed by certain Army officers and a committee appointed by the chamber of commerce, and the price that was fixed upon the land was almost double the amount the citizenship there are asking the Government for it to-day. I would state to the gentleman from California [Mr. KAHN], who I believe is in full sympathy with me in this amendment, for I have discussed it with him, that in all fairness to these people, where the Federal Government has used their lands for 10 years, it ought to buy this land at a sum of about one-half of its present value. Why do they want to sell it to the Federal Government? Because everybody in my town recognizes that Fort Bliss is the most important military post on the border. It supplies the division posts for 600 miles on the east side and 500 miles on the west side, and as long as there is disturbance in Mexico—and there has been for many years and probably it will continue for many years to come—this post must be maintained at its present standard. This land ought to be purchased.

The people should be paid some remuneration for lands which could be cut up to-day and sold in city lots, because it is right up against the city, for \$300 an acre. That is what the citizenship said, that is what the board appointed by the Army officers say, and I say to you in all fairness that I think the Federal Government ought to purchase this land at this sum, that has been fixed by two boards at a reasonable—a very reasonable—value. I do not believe that they ought to continue to use our choicest land there. It is necessary that they should have an aviation field and that they should have a drill ground and a target range. I have seen it used for a target range for 10 years. Why should not the Government purchase this land at the price fixed? The citizenship did not fix the price. All that the private owners ask is a reasonable sum, not its full market value.

It is not a town-lot scheme, gentlemen, but simply the citizens there who own this land that the Federal Government has been using for years and years ask some remuneration from the Federal Government. And bear in mind, gentlemen, that magnificent post which has been built there, and which has cost millions of dollars, the land upon which those buildings are situated never cost our Government one cent. Now, can you point to any other place in this broad land where the people

donated every acre of land or which was donated by the great State of Texas out of its private lands, for when Texas, as you know, went into the Union, she reserved her public lands? When it became necessary to enlarge the post Texas generously donated 640 acres of land to the Federal Government, and I ask you gentlemen, in all fairness to our people, that have just as much pride in building up that post as any other place in this Republic, yet we do not feel we ought to donate this land for Army purposes. That is shown by the Secretary of War, by the commanding general of the Southern Department and the commanding officer at Fort Bliss to be in the interest of the Federal Government. Gentlemen, I want you to bear in mind this is not a town-lot scheme. It is not brought here on the part of certain energetic real estate men because they feel they might induce the Congress to purchase it.

Mr. YATES. What is the amount?

Mr. HUDSPETH. Three hundred and fifty-six thousand dollars, \$178 an acre, and the appraised value of this land runs up from \$250 to \$300 an acre. I certainly trust that my good friend will not insist upon his point of order.

Mr. KAHN. Mr. Chairman, I must make the point of order.

The CHAIRMAN. Upon what ground is the point of order made?

Mr. KAHN. In the first place I do not think it is germane to this section of shooting galleries and ranges, and then I do not understand that this land is in the territory occupied by Fort Bliss. The previous land transaction was in connection with the land at Leon Springs—it was, in fact, a part of that area—and I find that the Leon Springs property was under option of contemplated purchase by the Government for three years. This I have not been able to find is under option by the Government.

Mr. HUDSPETH. If the gentleman will yield, I will state to my good friend that the Government took an option on this land a little over two years ago.

Mr. KAHN. Is there any contract?

Mr. HUDSPETH. Yes; in the War Department there is a contract. I have seen it. I will say to my good friend from California I know and feel that he believes in exact justice in this matter.

Mr. WELLING. Is the War Department occupying this land?

Mr. HUDSPETH. Oh, yes, sir; and has been for 10 years.

Mr. WELLING. How much has it paid for that privilege?

Mr. HUDSPETH. One silver dollar.

Mr. BLANTON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Texas desire to be heard further on the point of order?

Mr. HUDSPETH. Mr. Chairman, I am not an expert, I will state to my friend, the Chairman, on parliamentary procedure in this House. It joins the land that is owned by the Government, right against it; has been used for years by the Federal Government, and the Government has had an option on this land for two or three years. The contract is in the War Department.

Mr. BLANTON. Mr. Chairman, I desire to call the attention of the Chair to a decision rendered by a very distinguished and expert parliamentarian in the House—rendered no longer than yesterday by the gentleman from Pennsylvania [Mr. ROSE] upon this question. The identical question was up yesterday, and the gentleman from Pennsylvania held that it was not subject to the point of order, although it involves the question of buying land. I find myself not in accord with the said decision of the gentleman from Pennsylvania, but I always try to obey the rules and precedents of the House; and I cite his decision as authority for the present Chair overruling the present point of order.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Texas [Mr. HUDSPETH] is as follows:

That the sum of \$356,700 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized and directed to make said purchase of said land, to be used for rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes.

It will be observed that this amendment is solely for the purpose of purchasing land. If it had been offered to the section that we had under consideration on page 40, which includes the acquisition of grounds, it would be within the rule laid down by previous decisions of the Chair. The Chair desires to call the attention, however, of the gentleman from Texas and of the committee to the fact that this paragraph

now under consideration is under the general title of "Quartermaster supplies and services for rifle ranges for civilian instruction." That, of course, does not imply the acquisition of land. The language of the paragraph is as follows:

To establish and maintain indoor and outdoor rifle ranges.

The Chair presumes the gentleman from Texas would urge upon the Chair the argument that that establishment would include the purchase of land?

Mr. HUDSPETH. I would.

The CHAIRMAN. The Chair has given that idea some consideration. However, if the gentleman will read the remaining portion of the item, he will understand, the Chair is quite sure, just as the Chair now understands, that that could not be held to include the acquisition of land. That is all under the Quartermaster Department and is intended for the purpose of establishing a range upon any land that has been acquired and for the provision of those things which may be necessary, for clerical service, for baggage and other insignia, for the transportation of employees, for the purchase of material, supplies, and services. Everything included in the paragraph would exclude the idea that it was intended to add the purpose or object of the acquisition of land. For that reason, the Chair holds that the objection that has been made to the point of order suggested by the gentleman from California [Mr. KAHN], that it is not germane, is well taken, and the Chair sustains the point of order.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40, so that I may offer this amendment.

Mr. KAHN. I would suggest to the gentleman from Texas that we ought to finish up the bill, and then—

Mr. HUDSPETH. I will state to my good friend that I think it will not take more than a moment. I will make no statement about the matter.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 40, the last paragraph, for the purpose of offering an amendment. Is there objection?

Mr. CANNON. Mr. Chairman, is this amendment the gentleman wants to offer?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill, page 40, after the amendment adopted, which was offered by Mr. BEE, by inserting:

"That the sum of \$356,700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex.; and the Secretary of War is hereby authorized and directed to make said purchase of said land to be used for rifle range and other purposes which the Federal Government may determine, said land now being used by the Federal Government for Army purposes."

Mr. CANNON. Mr. Chairman, I would suggest a point of order should be made to that, because the Secretary of War is directed to authorize and purchase land. It is not on all fours with the other case, because there was a contract there. Therefore, in the present condition of our finances, with all the burdens the country has to bear, I do not believe we should appropriate this sum at this time.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. HUDSPETH. I will state to the gentleman from Illinois that there is a contract now in existence giving the Federal Government an option on this land.

Mr. CANNON. By authority of law?

Mr. HUDSPETH. By authority of law.

Mr. CANNON. Has the gentleman the contract?

Mr. HUDSPETH. It is on file, as I understand it, here in the War Department.

Mr. CANNON. The gentleman understands it to be so. Then why is it necessary to authorize the purchase of this land? Or is it a bare option?

Mr. HUDSPETH. It is an option, as I have already stated to the gentleman.

Mr. CANNON. An option? I can option off the whole State of Illinois if the State of Illinois were willing that the Government should purchase it for military purposes. That does not amount to a contract.

The CHAIRMAN. Is there objection to returning to page 40 for the purpose of offering the amendment?

Mr. GREENE of Massachusetts. Mr. Chairman, I object.

Mr. CANNON. The gentleman from Massachusetts has objected. I should oppose it if it was in order.

Mr. HUDSPETH. I trust the gentleman will let me put it to a vote.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] objects, and the Clerk will read.

The Clerk read as follows:

For the procurement and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, such public animals, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued; for transporting said animals and other authorized equipment from place of issue to the several institutions and return of same to place of issue when necessary; for the maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act of Congress approved June 3, 1916, \$2,500,000.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word for the purpose of making a statement.

I want to say that I sympathize somewhat with the gentleman from Texas [Mr. HUDSPETH], who has just taken his seat after making an effort to get an amendment onto this bill providing for the purchase of real estate. My sympathy goes out to him, not because I favor the purchase of real estate but on account of the fact that after our committee had decided that in view of the condition of the Treasury, and in view of the uncertainty in regard to the amount of land that is now owned by the Government for military purposes and the large number of fields and camps that are costing us millions and millions of dollars in overhead expense to keep up from year to year, on yesterday we yielded in that understanding that we had that we would not buy any real estate, and decided to buy Selfridge Field up on the Canadian boundary. And one of the great arguments made in favor of the purchase of that flying field was that there was water in the lake, where the men would fall, if they came down, in the water, rather than on the land, and that it was necessary to keep boats there to go out and bring them in. That it is a good flying field, I have no doubt. I do not question that, but I do question the continuing of the expense of this Government of ours in maintaining all the numerous flying fields that we have and all the numerous camps that we have.

Another thing: After doing that the gentleman from Texas [Mr. BEE] comes forward with his proposition, having perhaps just as much merit as the other, and it was necessary for us, in order to be consistent, to allow him to get his amendment onto this bill for the purchase of more real estate. And I want to simply say to the members of this committee that in my judgment we ought to call a halt until the Military Establishment of this country can come to Congress with a plan and with a map, showing us the number of camps and fields that we have and the number that will be required to take care of the Military Establishment of our country, and then we can buy those locations and go to work and put permanent buildings and equipment on them, and get rid of the enormous expense of maintaining all these temporary camps throughout the country. I say that it is with regret that I see my friend from Texas [Mr. HUDSPETH] go down after others have been favored by getting their amendments in.

Mr. FIELDS. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. FIELDS. The gentleman, I judge, refers to my remarks of yesterday in discussing the Selfridge Field. I incidentally referred to the advantages that that field had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I ask to be recognized. I move to strike out the last word.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and then the gentleman can make his statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Chairman, I incidentally referred to the advantages that this field had, advantages that are not had by any other field, but I base my support of that proposition upon the fact that the Federal Government has expended \$2,300,000 upon that field; that its option expires July 1; and that if it does not take title to it by July 1 it will lose that \$2,300,000, except what it may recover through the salvage value of the plant; whereas, by expending the additional \$190,000, the Government can acquire title. And I do not believe there is a business man in this country with a spoonful of brains in his head that would throw away \$2,300,000 rather than expend an additional \$190,000 and acquire title to this land. And then we can sell it if we decide to do so. But if we do not acquire title by July 1 the Government will lose what was put on it.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that I may have five minutes in which to finish my statement.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. I am a little bit surprised that my good friend from Kentucky [Mr. FIELDS] should sing the same siren song that has seduced the Members of this Congress, and perhaps of every other Congress, to invade the Treasury of the United States for the expenditure of money that is unnecessary. And I want to say—

Mr. BEE. I wanted to say that I intended to make a few remarks, but in view of the seductive references of the gentleman from Kentucky, I do not think I will say anything.

Mr. McKENZIE. Now, I wanted to say this, that it is all a mistake to talk about it being economy for the Government simply because they have spent a million dollars in some place on some property to take the property over for fear it otherwise would lose something. At Selfridge Field the contractor got \$95,000. What will it cost to maintain it each year?

Gentlemen, the time has come when you must understand that when the Government of the United States buys land or buys a plant there is a very different rule operating from the rule that would operate when an individual buys it. When the individual buys it he begins to get an income from it, but when the Government buys it it immediately means an outlay on the part of the Government, and a continued outlay. Therefore I maintain that we ought only to keep such plants as are necessary to maintain our Military Establishment.

I want to say to my good friend from Texas [Mr. BEE] that, notwithstanding I am in sympathy with him, I am against his proposition, because a man who visited that camp told us that they had 200 acres for a drill field there, while at Camp Gordon they did not have enough land for a company to drill on. Yet they wanted to get more additional land than they have at Camp Gordon, and the gentleman from Texas knows they do not need this great plant there to drill on when they already have 200 acres now. I am against this proposition, and I think we ought to call a halt now to buying any more land until we know "where we are at."

Mr. FIELDS. This Camp Selfridge proposition was included in this general camp purchase, and I do not recall that I heard the gentleman from Illinois raising any thunder about it when it was included in that bill, and he was a member of the committee; neither do I recall that he offered any opposition to it in the House when it was considered.

Mr. McKENZIE. Go back and look at the RECORD.

Mr. FIELDS. Did the gentleman, or did he not?

Mr. McKENZIE. Not specifically to Selfridge Field, but I was opposed to that proposition.

Mr. FIELDS. Why did not the gentleman oppose it specifically at that time?

Mr. McKENZIE. I opposed the whole bill. I did not think it was necessary. I feel that way about it now. We have many flying fields already in America. They may be necessary; they may be necessary in Michigan. But before we buy them I do say we ought to have a comprehensive plan. As it is, gentlemen come in here without information, and some Member offers an amendment to buy 2,000 or 200 acres of land in some locality in this country, and we vote it in without knowing anything about it. We ought to know the facts, and we ought to know whether it is necessary for the Military Establishment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone, \$3,500,000: *Provided*, That the Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and materials for the Army; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided further*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations

fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. CONNALLY. I want to ask a question. On page 45, lines 9 to 13, why is the proviso inserted authorizing the purchase by the Secretary of War of select types and makes of motor ambulances, authorizing their purchase without regard to the law prescribing advertisement, and so forth?

Mr. KAHN. The idea in placing that language in the law—and it has been carried in the law for some years—was to induce the manufacturers of motor vehicles to try to make improvements on ambulances. If the Medical Department were to advertise, probably it would not result in their getting the types of ambulances that they would desire. Of course, under this provision they can meet manufacturers of motor vehicles, whose men and engineers are constantly trying to make improvements. When one of these engineers suggests an improvement in the matter of an ambulance, the Medical Department under this language would be enabled to allow the experiment to proceed, with the object ultimately of getting the ambulance, provided it met with the requirements of the department. They do not buy them ordinarily; they simply try to get the most improved ambulance they can.

Mr. CONNALLY. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Chair desires to call the attention of the committee to the fact that on page 45, at the commencement of line 13, there is a mistake in the spelling of the word "supplies."

Mr. KAHN. Yes. The first syllable on line 13 is misspelled.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOSPITAL CARE, CANAL ZONE GARRISONS.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$60,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of getting the RECORD straight. While the Post Office conference report was under consideration to-day, after being yielded to, I asked the chairman of the committee, the gentleman from Minnesota [Mr. STEENERSON] the following:

Mr. BLANTON. When we had this question up before in the House the distinguished chairman, Mr. STEENERSON, mentioned his opposition to the matter and incidentally stated that he called to the attention of the department the fact that they had left out the gentleman's twin cities in Minnesota from this aeroplane mail service. Thereupon the department promised the chairman that it would establish this service in the twin cities within 60 days, and thereupon the gentleman stated that that got the Minnesota vote. I want to ask whether or not the department has again promised this service to the twin cities in Minnesota?

Whereupon, Mr. Chairman, the said gentleman from Minnesota stated that my recital was incorrect; and when I told him that I would put his exact remarks from his speech of January 15, 1920, in the RECORD showing that my recital was absolutely correct, the gentleman still maintained that I was incorrect, and he went off into a discussion of the subject of "pork barrel" when I had made no allusion to such a question. And when I asked the gentleman if he denied stating in his speech of January 15, 1920, that when Mr. Praeger promised in December to give the twin cities aeroplane service by spring, he stated:

That that got the Minnesota vote—

The gentleman from Minnesota replied:

No; I did not say any such thing.

Mr. CANNON. If the gentleman will allow me just a suggestion. I do not know anything about the difference of opinion between the gentleman from Texas and the gentleman from

Minnesota [Mr. STEENERSOHN], but I do not see the gentleman from Minnesota here.

Mr. BLANTON. Well, if the gentleman prefers, I will wait until he comes back. But he may not be here to-day. He is not always here.

Mr. CANNON. It seems to me that if by unanimous consent the gentleman wishes to proceed, he should be here.

Mr. BLANTON. I just want to insert this in the Record.

Mr. CANNON. If the gentleman has leave, all right.

Mr. KAHN. Mr. Chairman, as I understand, the gentleman from Texas obtained leave, while the Post Office matter was under consideration, to insert this language.

Mr. CANNON. Very well. I do not object.

Mr. BLANTON. I read from the RECORD of January 15, 1920, page 1578, where the Post Office appropriation bill was under discussion:

Mr. STEENERSOHN. Mr. Chairman, a year ago last month we held hearings on this item. It was then carried at \$100,000 for the year, and they asked for \$850,500. Before it was granted we examined Mr. Praeger with regard to it, and I mention this simply to show the methods employed by the Post Office Department to increase the appropriation.

I want to call your attention to the fact that a year ago, when we granted the increase of 800 per cent, I asked Mr. Praeger if they were going to extend the service to St. Paul and Minneapolis. I said I did not believe in the service except as an experiment. I said, "If you are going to extend it, are you going to carry it to the Twin Cities?" I will read from page 54 of last year's hearings on the appropriation bill:

"Mr. STEENERSOHN. You have not gotten to Chicago yet?"

"Mr. PRAEGER. Sunday week we will get there—on the 15th of December."

"Mr. STEENERSOHN. And then what time will you get to Minneapolis and St. Paul?"

"Mr. PRAEGER. In the spring. That is the only promise we can make, because we have problems to solve connected with winter flying which we are going to solve on the New York-Chicago route. If that swings well and we have fairly reasonable weather, we will get into Minneapolis in March, 1919."

That, of course, got the Minnesota vote for the appropriation. He has never extended it to Minneapolis. But under his statement the people have purchased an aviation field for \$25,000, and the board of trade are bombarding me with telegrams.

That is just exactly practically word for word what I said this morning, that the gentleman asked when the service would reach the Twin Cities, and being assured that it would go there by spring, he then said, "That got the Minnesota vote." Now, note right after his colloquy with Mr. Praeger, the gentleman from Minnesota did say:

That, of course, got the Minnesota vote for the appropriation.

Mr. KAHN. If the gentleman will permit me, of course he explained that by the "Minnesota vote," he did not intend to mean the whole Minnesota vote.

Mr. BLANTON. I did not claim that he meant the whole Minnesota vote. I do not contend that he meant anything whatever, more than his words conveyed, in their usual meaning in English. But he did say exactly what I said he said, and though he denied it, he did say:

That, of course, got the Minnesota vote for the appropriation.

And before the gentleman from Minnesota denies passages in his speeches again, and before he accuses anyone of being incorrect, he ought to review his speeches and know that he is himself correct. The record of his speech of January 15, 1920, which I have placed in the RECORD, shows that I quoted him verbatim, almost word for word, and that I did not place any improper construction whatever upon what he said, but merely asked a question.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask a question about the care of our insane soldiers. You are making appropriations here for the Canal Zone.

Mr. KAHN. We have not read that section yet. I would suggest that the gentleman withhold his pro forma amendment until later.

Mr. McKEOWN. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARMY MEDICAL MUSEUM.

For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, \$20,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to inquire of the chairman of the Committee on Military Affairs what provision is made for our insane soldiers, and how they are cared for as to their pay, allowances, and so forth? This section refers particularly to the insane soldiers in the Canal Zone.

Mr. KAHN. The item to which the gentleman referred a while ago, on pages 46 and 47, makes the appropriation for that matter.

The Army has a contract agreement with the officials of the Panama Canal. When our soldiers on the zone become ill or go insane they are placed in the hospitals of the Canal Zone. There care is given them by the doctors and the nurses of the Canal Zone, and finally the Canal Zone officials present a bill to the Government for that care and attention of the insane and sick on the Canal Zone who are connected with the Army, and the bills are paid out of this appropriation.

Mr. McKEOWN. May I ask the gentleman what provision is made for the care of insane soldiers in continental United States?

Mr. KAHN. Our soldiers are generally brought here to St. Elizabeths Hospital in Washington and cared for there, the Federal Government, of course, paying for their care and maintenance.

Mr. McKEOWN. I call the attention of the gentleman and to his committee to a circumstance as to which I take it the jurisdiction would be with the Interstate and Foreign Commerce Committee. I have learned that there are over 100 insane soldiers in St. Elizabeths Hospital for whom guardians have been appointed in Washington, and charges are being made for collecting their allowances from the War Risk Insurance Bureau. It occurs to me that these unfortunates ought not to be required to pay the expenses of these guardianships, which the Government has left entirely under the control of the courts.

Mr. KAHN. I understand that what the gentleman says in connection with the appointment of guardians is true, but I do not know that the fees exacted by the guardians for that purpose amount to any considerable sum. The insane person, of course, is not able to conduct his own affairs.

Mr. McKEOWN. I understand that.

Mr. KAHN. And I imagine that it is necessary to appoint a guardian.

Mr. McKEOWN. Yes; but the Government of the United States owes it to these soldiers to see that no unusual charges are made, and it occurred to me that the United States could appoint its own officer to distribute these funds without any cost to the soldiers.

Mr. KAHN. That may be true, and it is a valuable suggestion. I have in mind a case with which I was very familiar some years ago. An enlisted man of the Navy had been placed in St. Elizabeths, and a guardian was appointed here in Washington; that man's pay was saved and cared for by the guardian; and finally the insane man expressed a desire to go back home to California, and through the good offices of the officials of the Government he was sent home. There was practically little taken from his funds for the guardianship.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. McKEOWN. Are any other insane cared for in St. Elizabeths except from the Army or Navy, or is it a general hospital for the insane?

Mr. KAHN. All the insane from the city of Washington are also cared for there, but those who go insane while serving in the Army or Navy are taken to St. Elizabeths Hospital.

Mr. McKEOWN. Does the gentleman know whether they are kept separate or whether they are mixed with other patients?

Mr. KAHN. I do not think they are kept separate. Of course, many of them are simply kept under observation. I presume that a great many cases have arisen in the war through shell shock, and, so far as I have been able to learn, those men are being well cared for.

Mr. SUMMERS of Washington. If the gentleman will yield, I would like to make a statement along that particular line.

Mr. KAHN. Certainly.

Mr. SUMMERS of Washington. I have been informed, and I believe reliably informed, that sometimes exceedingly mild cases are confined in wards with very desperate cases, and their mental condition has been very distressing on account of that fact. I have been instrumental in rescuing one or two of the boys from that institution who were being held there. I took them in my automobile and drove them around the grounds and talked with them and studied them from every possible viewpoint and found them wholly competent and capable, and in taking the matter up with the proper officers there they assured me that they were just about ready to let one patient go when certain papers were fixed up, and this, that, and the other, although there had been no indication that that boy was going to be released at any early date, and I found everything to satisfy my mind that the boy had

been in the condition in which I found him, a competent condition, for weeks before the time that I made the personal investigation.

Mr. CLARK of Florida. I move to strike out the last two words. I do this for the purpose of making a statement. I would like to call the attention of the chairman of the Committee on Military Affairs [Mr. KAHN] to the fact that when this St. Elizabeths Asylum was originally established it was established solely for the insane of the Army and Navy.

Mr. KAHN. That is true.

Mr. CLARK of Florida. But as time has rolled along its jurisdiction has been enlarged, until now it takes in not only the insane of the Army and Navy but the indigent insane of the District of Columbia and also criminal insane from all over the country. I do not know just what the conditions now are, but there have been cases where these insane soldiers and sailors have been confined along with the criminal insane; and I wanted to suggest to the gentleman that if his committee would investigate the matter he might find it to the better interest of the insane of the Army and Navy to eliminate these other classes of patients and leave that hospital entirely for the insane of the Army and Navy.

Mr. KAHN. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. KAHN. I do not think the Committee on Military Affairs has any jurisdiction over that institution. I know they do not appropriate for it. It is under the jurisdiction, I think, of the Interior Department.

Mr. CLARK of Florida. What committee has been reporting legislation covering that institution?

Mr. KAHN. I presume the appropriations are carried in the sundry civil bill.

Mr. CLARK of Florida. I have not investigated to see what committee reported legislation to the House.

Mr. KAHN. I think the District Committee legislates for the institution directly.

Mr. CLARK of Florida. What I wanted to call the gentleman's attention to was that we ought to have somewhere a hospital for the treatment of the insane of the Army and Navy separate and apart from all other insane.

Mr. WOOD of Indiana. The appropriation for the maintenance of the St. Elizabeths Hospital is carried in the District bill.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last three words for the purpose of laying a little more information about the St. Elizabeths Hospital, the Government hospital in this city, before the committee, hoping that it will reach a point where it will do some good. A service man who was confined there for a considerable period of time stated to me with tears in his eyes, after he had been out of the institution several weeks or months, the following facts: He is an expert accountant and a well-educated man, and was perfectly sane at the time. He told me that he could not think of the treatment that was given to the poor insane soldiers over there without weeping; that he had repeatedly seen an attendant when he would come to help a patient to bed or to feed him, or something of that kind, a man whose mind was so blank that he did not know that he had hands or feet, the attendant would tell him to sit down, and if he did not sit down he knocked him down. He said he had seen that sort of brutal treatment meted out to these boys for many weeks and months, and that it had aggravated his own condition. But he was pleading that some one would look into that matter and see that that brutality was stopped for the sake of those still in the institution.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for two minutes. Attacks from time to time have been made against St. Elizabeths Hospital. It would be impossible for a great hospital like that, I suppose, to be conducted without some infraction of the rules and everything be in apple-pie order. It is so easy to say that a man who is insane is mistreated.

I think it is due to the St. Elizabeths Hospital and to the man at the head of it to say that my information is, after considerable inquiry, that the man at the head of it has no superior as an insane expert in the United States. I am well acquainted with him, have met him time and again when investigating appropriations to care for the maintenance and support of that hospital, and so far as I know and believe, he is as kind a man in the service as any of my acquaintance, and I believe of any engaged in similar duties throughout the United States.

In a large institution of that kind so many things happen; somebody gets up and reads a letter; somebody gets up and takes the say-so of somebody else. If there are abuses of the kind that the gentleman from Washington [Mr. SUMMERS] speaks of, there should be a committee of investigation. There have been two or three committees of investigation in former years, and while I

have no brief to defend Dr. White, I think I am justified in saying, from the inquiries I have made and the hearings before the Committee on Appropriations, that I believe he is a perfectly competent man, and as kindly a man as you will find anywhere in the hospital service in the United States.

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. That is the opinion that I have gleaned from my casual investigations.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CLARK of Florida. I want to say that, as far as my remarks are concerned, I was making no attack on anybody. I was calling attention to the conditions that exist there. I say that the three classes ought not to be in the same institution.

Mr. CANNON. I quite agree with the gentleman that we are short of hospitals to care for these people. St. Elizabeths will not hold one-half part of the soldiers who are insane and are detained in hospitals. In many instances some can not get into hospitals at all, as I am reliably informed, but are cared for as best they can be by friends.

Mr. SUMMERS of Washington. Mr. Chairman, I want to say that I was making no attack on the superintendent of the hospital of St. Elizabeths. I am not acquainted with him. He may be the best-equipped man along that line that it is possible to find, but I do believe that there are conditions over there that ought to be changed. I believe that there are men over there who are in such condition that they are not able to take care of themselves, and that their condition ought to be investigated and something done in their behalf. I am fully persuaded that there have been great unkindnesses there to men in that condition, to put it as mild as possible.

Mr. CANNON. The expense is negligible so far as St. Elizabeths is concerned. There are multiplied thousands of soldiers under the Public Health Service. Hospitals are being constructed, hospitals are already in existence at cantonments that I believe ought to be utilized, and I think attention is being paid to the matter.

Mr. KAHN. New hospitals are being leased for these unfortunate men.

Mr. CANNON. Yes.

Mr. CALDWELL. Mr. Chairman, I move to strike out the paragraph in order to say something in connection with this matter. I think it is only fair to men in charge of the hospitals for insane for us in speaking of this subject to take into consideration the fact that the line of demarcation between intelligence, the normal condition, and the insane is sometimes so small that even the experts have difficulty in determining the true state.

When a man is sent to an insane asylum with a diseased mind, his condition may be caused by a great many different things. It may be from undernourishment, or from shock, or from disease, in the blood; it may be from trouble brought on by overwork or overstrain; it may be one of many things. In many instances insanity is followed by hallucinations and in others by delusions. Where paranoia develops there is always an effort on the part of the insane person to ascribe his unhappiness or his discomfort to some outside cause other than the ailment from which he is suffering. Every paranoiac in the world imagines that he is sane. Every one of them is able in the first stages of the disease to simulate sanity, except when he is questioned upon the particular subject concerning which he has delusions. A man is frequently diagnosed as a paranoiac who has not paranoia. It is a medical fact that no person who ever had paranoia ever got well, and when a person is sent to an insane asylum and the diagnosis is paranoia, the people in charge of the insane asylum, as long as they believe that he has paranoia, will never release him, regardless of how much he looks like an intelligent, normal man, nor how much it appears he has recovered, because any apparent recovery in paranoiac cases is necessarily temporary, and as soon as the patient is released and is permitted to go into society he will certainly develop his mania and will again become a dangerous element in the community in which he resides. A notable case of that was the well-known case of Harry Thaw. When he was in the insane asylum in New York dozens of experts examined him, and some said that he was perfectly normal.

When he made his escape, he was tried in the courts and he was judged to be sane, and yet as soon as he was given the opportunity to associate with people in private life, where he had the liberty of doing as he pleased, to follow out his natural bent, he developed the same trouble that he had at the time that he committed the murder, and again he became a menace to society. Never again will it ever be that any doctor will be

fooled by his apparent recovery, because all physicians and all experts know that he will never recover. If a diagnosis of paranoia is made in a patient sometimes erroneously, and that patient does get well, it is a very foolish doctor who would give that man his liberty until he has made absolutely sure that the patient did not have paranoia, and that the diagnosis in the first instance was wrong; because if they released him, and he did have paranoia, they would be to blame when he goes back into society and again becomes dangerous.

Therefore, in examining these cases to determine whether or not they have held a man in a hospital for the insane longer than he should have been kept, we should carry in our minds the knowledge that it would be perilous to release a man who had apparently recovered and yet who had not recovered. Therefore, the doubt in all these cases should be resolved in favor of the medical officer in charge of the hospital; and I think if you will examine into these cases concerning which we have all had letters at one time or another, you will find that in each of these cases some such situation as I have described has arisen. When a man is insane, his natural inclination is to find some cause outside of his disease for his discomfort, and in his mind he will build up a case in which he honestly and sincerely believes, but the case is based absolutely upon a state of facts that are the creation of his own mind.

Mr. SUMMERS of Washington. Mr. Chairman, I just want to say that I was speaking of a case that the hospital had discharged as cured, and consequently he could not have had paranoia.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read:

The Clerk read as follows:

Care of insane soldiers of Porto Rico Regiment of Infantry: For care, maintenance, and treatment at asylums in Porto Rico of insane soldiers of the Porto Regiment of Infantry, \$100.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40 for the purpose of offering an amendment, which I believe will be in order. I hope this committee will treat me as fairly as others have been treated and give me this opportunity.

Mr. CANNON. Is that for the third of a million appropriation?

Mr. HUDSPETH. Yes.

Mr. CANNON. I object, Mr. Chairman.

Mr. HUDSPETH. I thought the House would treat me as fairly as it did others, and give me an opportunity to present my amendment.

Mr. CANNON. If I had understood it, the others would not have gone in.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase, maintenance, operation, and repair of the necessary motor cycles; the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, \$150,000: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers to carry into effect the various appropriations for "Engineer equipment of troops," "Engineer operations in the field," and other military appropriations, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1921 shall not exceed \$100,000. The Secretary of War shall each year, in the annual estimates, report to Congress the number of persons who are employed, their duties, and amount paid to each.

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order to the portion of this paragraph beginning with the word "*Provided*," in line 25, page 49, and ending with the conclusion of the paragraph in line 11, on page 50.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOOD of Indiana. Mr. Chairman, the point of order is that it is legislation on an appropriation bill, and it is providing for an appropriation to pay expenses of skilled draftsmen and civil engineers and other services in the office of the Chief of Engineers, which is for the defraying of clerical expenses in the District of Columbia, the office of the Chief of Engineers being in the District of Columbia.

Mr. KAHN. Mr. Chairman, I am not familiar with what those civilian employees do. I know the item has been carried in the appropriation bill for many years, and it is not a new provision by any means. I presume that these employees are draftsmen who have special and important work to do in connection with engineering problems.

Mr. WOOD of Indiana. Yes; and the legislative appropriation committee gave them a great amount of money for this same service. There is no question but that the point of order is well taken, because it is for clerical services.

Mr. KAHN. No; it is for services of skilled draftsmen.

Mr. WOOD of Indiana. In the office of the Chief of Engineers in the District of Columbia.

Mr. KAHN. The services, as I understand it, that these skilled draftsmen perform are practically military duties, duties that probably would have to be done by officers of the Army if these civilians were dispensed with.

Mr. WOOD of Indiana. If that is the case, we will have something for those officers to do.

Mr. KAHN. The gentleman seems to have taken a great dislike to Army officers.

Mr. WOOD of Indiana. No; but I have taken a great dislike to a superabundance of Army officers here in Washington, where they are not needed.

Mr. KAHN. I contend that the Army officers that we have to-day are performing an exceedingly useful duty to the country. Although the law authorizes 18,000, we have 16,500, and of those many are in the hospitals, wounded and disfigured. The other officers that we have, I take it, are well and constantly occupied in serving the Government of the United States.

Mr. WOOD of Indiana. And we have 2,000 of them in the city of Washington.

Mr. KAHN. I presume they are needed here or they would not be here.

Mr. WOOD of Indiana. The evidence of gentlemen who claim to know is that there is no necessity for more than 200 here.

Mr. KAHN. And that sort of statement is usual in the Army, I suppose, as in the Navy and other public services. But, after all, let us be fair about the thing. If we have too many, let the attention of the War Department be called to that fact, so that the number can be reduced; but to take the statement of every disgruntled officer, I submit to my friend from Indiana, is entirely unfair.

Mr. WOOD of Indiana. If I did not know whereof I speak, I would not make the accusation. I know it is a fact that there are hundreds and hundreds of these officers who do not go to their office three times a week. I know that last week a stenographer in one of these offices came to see if she could be transferred to some place where she would have something to do; that she did not write on an average of more than three letters a week, had not seen the officer at her office but once or twice in that time, and in addition they had a clerk helping around doing nothing. That is typical of what is going on.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. GREEN of Iowa. I unfortunately did not come in when the point of order was made. To which branch does the gentleman refer?

Mr. WOOD of Indiana. That case came under the Ordnance Department.

Mr. GREEN of Iowa. I did not mean in this particular instance, but where—

Mr. WOOD of Indiana. The point of order I raised is against the provision on page 49, the last line, in reference to the employment of civil engineers—

Mr. KAHN. Skilled draftsmen.

Mr. WOOD of Indiana. Well, it is skilled draftsmen and civil engineers in the office of the Chief of Engineers, District of Columbia, which is clearly beyond the jurisdiction of this committee. It is within the jurisdiction of the legislative committee making appropriations for all services of this character in the District of Columbia.

Mr. KAHN. Mr. Chairman, I want to say further about these officers that we have been speaking about that a good many of them attend the General Staff School in the District of Columbia. They receive instruction in Army work during certain hours of the day. When they finish that work they are at liberty for the rest of the day. It is possible that some men that the gentleman has referred to are connected with those schools right here in the District of Columbia, and I take it that if there are cases where a man is superfluous, the War Department's attention ought to be called to the fact, in order that the man may be relieved of his commission.

Mr. ANTHONY. Mr. Chairman, just a word on the point of order. I do not think the point of order made by the gentleman from Indiana will lie against the service of these skilled draftsmen and civil engineers. I admit if the point of order were made against the provision for clerical help for administration in the War Department here in Washington it might lie, but they are absolutely military duties and do not solely pertain to the District of Columbia, but apply to the activities of the Army as a whole, and so I think they are properly provided for in this appropriation bill.

Mr. WOOD of Indiana. Mr. Chairman, I want to say in answer to the gentleman that all of the civil service of every one of these departments except the Agricultural Department is exclusively within the jurisdiction of the Committee on Appropriations, and the work, whether clerical or professional, or what not, that is done in the office of the chiefs of these bureaus within the District of Columbia is clearly within the jurisdiction of the Committee on Appropriations and can by no stretch of imagination be brought within the jurisdiction of this committee.

The CHAIRMAN. The Chair is ready to rule. It is not within the province of the Chair to determine as to the rightfulness of the employment of these men or anything in regard to their pay or anything in regard to whether they earn their money. Those questions are entirely outside the consideration and the passing upon the point of order. Neither is it proper for the Chair to consider as to whether or not the rules governing these appropriations are wise or unwise. They exist, and the Chair is compelled to follow them. The Chair thinks it is very clear, at least it seems so to the Chair, that the employment of all of these officials in the District of Columbia is within the jurisdiction of the Committee on Appropriations, and that being the case, it will be the duty of the Chair to support the point of order, and the point of order is sustained.

Mr. KAHN. Mr. Chairman, I move to strike out the last word, just to make a very brief statement. This language, I want to say to the gentleman from Indiana, has been carried in the Army appropriation bill since 1899 and no objection was ever made to it heretofore.

Mr. WOOD of Indiana. I wish to say, in opposition to the amendment, that it is unfortunate it should not have been made heretofore, not because I care to be captious but you will find under this same item in the legislative bill an appropriation for this service. It results in duplication of appropriations, and if there were a little bit more attention paid to the duplication and overlapping of these bureaus it would result in a saving of a great deal of money to the Government.

The Clerk read as follows:

CIVILIAN ASSISTANTS TO ENGINEER OFFICERS.

For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to engineer officers on the staffs of division, corps, and department commanders, \$40,000.

Mr. GREEN of Iowa. Mr. Chairman, the matter to which I intend to address myself does not, strictly speaking, come under this paragraph. It is involved in the whole bill, but I hope that what I have to say will not be objected to on account of the place where I am making the remarks. At the time when our troops were sent into Russia I characterized that proceeding as an act of folly. I said that they eventually would be withdrawn, without accomplishing anything except to entail upon this country a large amount of utterly unnecessary expense and bring to an untimely death some of our brave boys. I believe that everybody will now admit I was correct. We have at this time a large number of our troops in Germany, at an expense, as I understood the chairman of the committee in charge of the bill to say, of something like a million and a quarter a day.

Mr. KAHN. No. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield.

Mr. KAHN. The Secretary of War informed me subsequently that that was the expense immediately after we went in, when, of course, we had three or four divisions there, but since the troops in large number have been withdrawn the daily expense, I find, is about \$175,000.

Mr. GREEN of Iowa. Well, even that is a large sum.

Mr. CONNALLY. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield, with pleasure.

Mr. CONNALLY. I would like to suggest to the gentleman from Iowa, if he does not know, that under the terms of the armistice Germany pays the entire expense for the army now occupying that territory.

Mr. GREEN of Iowa. I take it that everybody knows that.

Mr. CONNALLY. I think it is pertinent. I beg the gentleman's pardon for suggesting that, but I think it pertinent to his remarks here complaining about the expense of the Army in occupied territory.

Mr. GREEN of Iowa. Everybody knows that Germany agreed to pay, and everyone ought to know that she is not keeping her agreement.

Mr. KAHN. We are paying the expense at the present time.

Mr. CONNALLY. I will suggest to the gentleman from Iowa further, that he will recall, when he was in Coblenz last March or April, the Army officers stated at that time that at the end of each month Germany was making settlements. The United States advanced the money, and Germany at the end of each month was making settlement for the expense of the Army. I

do not know what the facts are now, but at that time the Army officers stated, to me at least, that that was the fact.

Mr. GREEN of Iowa. They did make the statement in the gentleman's presence and in mine, but in not quite that way. They stated that Germany was making payments, and I think they said something about the amount that had been paid, but I have forgotten it now.

Mr. KAHN. Will the gentleman yield? Germany at that time was making some payments on account, but subsequently she made no further payments.

Mr. CANNON. Was she paying in marks at par?

Mr. KAHN. She was paying in marks, but they were taken, I presume, at the rate of exchange which prevailed at that time.

Mr. CANNON. That left no pay, practically.

Mr. KAHN. Yes; we had \$2,000,000 that was put into our Treasury on account of it—\$2,000,000 of our money.

Mr. FAIRFIELD. Do I understand that under the terms of the armistice Germany will pay for the cost of maintaining the Army in Russia, to which the gentleman from Iowa is addressing himself?

Mr. GREEN of Iowa. Oh, no; my remarks will take a much wider scope than that. I was speaking last of our Army in Germany, the expense of which Germany agreed to pay.

Mr. FAIRFIELD. The expense incident to the Russian campaign is to-day paid wholly out of the Treasury of the United States, I understand?

Mr. GREEN of Iowa. Yes. It has been paid wholly out of the Treasury of the United States. Nobody knows how much it costs, except we know it ran way up into hundreds of millions of dollars.

Mr. DICKINSON of Missouri. May I ask the gentleman a question?

Mr. GREEN of Iowa. Yes.

Mr. DICKINSON of Missouri. Do you know how much greater the expense is of keeping the troops over there than the expense of keeping the same troops in this country would be?

Mr. GREEN of Iowa. Does the gentleman mean in Germany or in Russia?

Mr. DICKINSON of Missouri. In Germany. If the troops were returned to this country they would still be a part of the Army.

Mr. GREEN of Iowa. My understanding is, in a general way—

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. My understanding, in a general way, is that it costs about twice as much. Probably the gentleman from California [Mr. KAHN] can speak more accurately than I can.

Mr. KAHN. Of course, every soldier abroad gets 20 per cent increase in his pay for foreign service; and, while these men are a part of the Army of the United States, the great expense is in keeping eight transports going between American ports and European ports so as to carry supplies to these men over on the other side; and the testimony before the Committee on Military Affairs is that the cost of those transports is from \$1,200 to \$1,700 a day.

Mr. DICKINSON of Missouri. What would be the difference in cost? Would it be twice as much over there?

Mr. GREEN of Iowa. It would be more than twice as much, counting in that.

Mr. McKEOWN. Will the gentleman yield there?

Mr. GREEN of Iowa. I will; but I am yet getting down to the real matter to which I want to call attention.

Mr. McKEOWN. Does the gentleman favor bringing the troops back immediately from Germany?

Mr. GREEN of Iowa. Yes.

Mr. McKEOWN. You expect by that means to be able to collect the amount that you say Germany agreed to pay?

Mr. GREEN of Iowa. I expect that the amount which Germany has agreed to pay will never be paid, and I do not think any gentleman who has studied the situation expects we will get any substantial sum more out of Germany.

Mr. KAHN. I so stated on the floor day before yesterday, and I am quite in accord with the gentleman's views.

Mr. GREEN of Iowa. But the matter on which I particularly wanted to address the committee is one of far greater importance than the loss of half a billion dollars which will eventually be the result of keeping our troops in Russia and in Germany.

Several members of the Military Committee stated the other day that, in their judgment, it would not be constitutional to

insert a provision in this bill to the effect that no part of the appropriation contained therein should be paid for troops on foreign service, specifying the service; or, in other words, to provide that no money should be paid out for troops kept in some country where they were stationed against the will and purpose of Congress. I would favor a provision that no part of the money appropriated by this bill should be spent to maintain troops in Europe, but the mere fact that the bill contains no such provision is not so important as the establishment of the principle that it is unconstitutional for Congress to attempt to control the disposition of our Army by refusing appropriations when it is used by the President in a manner which Congress does not approve. If it is conceded that such a provision would not be constitutional, then the President can send our Army wherever he pleases, keep it there as long as he pleases, involve us in unnecessary and improper wars, and exercise a power that never before was given to any but the most arbitrary monarchs that ever ruled any portion of the earth, and Congress can do nothing about it. The King of England has no such power. He has always been subject to the will of Parliament in refusing to give appropriations to carry or to keep troops in portions of the globe not approved by Parliament. Strictly speaking, even the Kaiser could not do that. As a matter of fact, however, he did it, and his grandfather before him, under the advice of Bismarck, proceeded for several years without any appropriation for the army, but afterwards got a bill through the Reichstag sanctioning the proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. I do not believe that the construction placed upon the constitutional powers of the President by the Military Committee is correct. The President, of course, under the Constitution is the Commander in Chief of the Army and Navy, but I think the term "Commander in Chief" as used in the Constitution has the same meaning it has in military affairs. In other words, it means the immediate commander of the forces, who is superior to all other generals, and, in the absence of direction by the civil power, can order the troops wherever he sees fit and just as he sees fit.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. The gentleman will kindly remember that I have only two minutes.

Mr. MCKENZIE. Could you divide that authority?

Mr. GREEN of Iowa. Yes; very easily. The Commander in Chief is subject to the civil power. If not, what sort of a Government do we have if the Commander in Chief of our Army is entirely independent of our civil power? It means that the military power is superior to the civil power, and that never exists in anything but an autocratic and tyrannical government. Subject to the direction of the civil power, the Commander in Chief has, as I was about to say, the power to order the troops where, when, and how he may see fit. But beyond that, in my judgment, the Constitution did not intend to give him any power.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKEOWN. Does not a declaration of war automatically under our Constitution vest the supreme power in our President to direct the troops and conduct war, and it is not in the power of Congress to recall it until a treaty has been negotiated?

Mr. GREEN of Iowa. No. The gentleman is not exactly correct.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask that the gentleman from Iowa be granted two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Iowa be extended two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Answering my friend from Oklahoma, the breaking out of war gives to the President no more powers than he had before. He is Commander in Chief of the Army and Navy then, as he is now in time of peace.

Mr. FAIRFIELD. I am very much interested in the gentleman's discussion, but perhaps unfortunately for the logic of it—although that may very easily be explained—is the fact that the President is not only the Commander in Chief of the Army, but he is the Chief Executive at the same time of the civil power. Now, then, I would be very much interested, indeed, to find out how, save through the passing of a law by a two-thirds majority in both Houses, or by impeachment, you could reach effectively the control by the President of what you are pleased to call the civil power.

Mr. GREEN of Iowa. That applies to all laws that we pass. We may restrict neither the President nor anyone else without the approval of the President, unless we have a two-thirds majority; so that, of course, the President, through the exercise of his veto, can and may prevent a restriction of his own powers. But that has nothing to do with the question I am discussing. I claim that Congress has the right to provide by law that appropriations made for the Army shall not be used to keep troops in any specified country or to make war upon any specified nation.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HASTINGS. Mr. Chairman, I ask that the gentleman may have one minute more. I want to ask him a question.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Iowa may proceed for one minute more. Is there objection?

There was no objection.

Mr. HASTINGS. I think this is a very important question. But let me ask: Does the Committee on Military Affairs contend that the House of Representatives, where all appropriations must originate, or where it could refuse to make any appropriations at all, has no authority to place restrictions on this appropriation bill, providing in effect that none of the money appropriated in this bill shall be used to support troops on foreign soil? Now, if it takes that sort of a position, while I am not on the Committee on Military Affairs and while I have not looked up the constitutional provision in the last few days, I am clearly of opinion that this Congress has that right, because it can refuse to appropriate any money at all if it wants to, and why, then, can it not put such a restriction on this bill? I would like to have the gentleman answer that question.

Mr. GREEN of Iowa. I think I have answered it.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. KAHN. Let us read one paragraph.

Mr. CONNALLY. I want to oppose the amendment of the gentleman from Iowa.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the very remarkable and interesting remarks of the gentleman from Iowa [Mr. GREEN], who has just concluded—and I hope he will not go away—illustrate the length to which gentlemen will permit their feelings and their passions to carry them, even to the extent of affecting their views of government and the basic principles upon which this Republic is founded.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman.

Mr. GREEN of Iowa. I have made the remarkable discovery here that feeling and passion and politics are all on this side. There is never any on the other side. [Laughter.]

Mr. CONNALLY. Oh, yes; there is. There are passion and politics enough on this side, so far as the gentleman from Texas is concerned, to impel him always when he feels that an unjust and unfair attack is made, even by the gentleman from Iowa, to rise in his place here and express his repudiation and denunciation of that action. I did not intend, however, to show any feeling on this occasion, but I wanted to suggest to the gentleman from Iowa that when he complains of the power of the President under the Constitution as Commander in Chief of the Army and compares it unfavorably with the system of Great Britain and with the system of the Kaiser his quarrel is not with the person who occupies the White House, but his complaint is really against the Constitution itself. The authority of the President and of Congress is founded upon the Constitution, and if that distribution of power does not comport with the gentleman's views it can not be the fault of men now in office. The gentleman from Iowa in effect expresses on the floor of this House his preference for the British constitution, which denies to the King the power which he says ought not to be vested in the President.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. In a moment. The gentleman from Iowa in effect expresses on the floor of this House his preference for the system of the Kaiser when he says that even the Kaiser did not have the power which the President has under the Constitution. I want to accord to the gentleman credit by saying that I do not believe that he really intended to express his preference for the Kaiser's system; but the irresistible conclusion from what he said is that in that respect at least he prefers the German system.

Now I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman would be much more fair and do me much more credit if he would quote my remarks as they were. I stated that that was not a correct construction of our Constitution, and that I do not believe that the President has any such power.

Mr. CONNALLY. Then the gentleman's quarrel is with the Committee on Military Affairs. I will say to the gentleman from Iowa that anyone who reads the Constitution, it seems, would agree with the gentleman from Oklahoma [Mr. HASTINGS] when he announces the proposition that Congress may refuse any appropriations to the Army if it sees fit. It may limit those appropriations by placing in the bill a provision that no part of the moneys carried should be used to pay troops in Europe or in Russia or at any other point on the face of the globe. That seems clear, in view of the precedents. While I have not carefully examined them all, it seems sound, and if that is what the gentleman from Iowa meant, I thoroughly agree with the gentleman from Iowa.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from California.

Mr. KAHN. Of course, it has been customary for the Presidents of the United States, regardless of their party allegiance or their party politics, to send American troops where American interests were threatened; and so President McKinley, in his day, sent the forces of the United States into China during the Boxer revolution to protect American lives, and no question was raised.

Mr. CONNALLY. And without a declaration of war.

Mr. KAHN. Without a declaration of war.

Mr. CONNALLY. I thank the gentleman from California for his suggestion. I pay him the honor of saying that on this and many other occasions he has exemplified a breadth of view and a breadth of thought that is commendable to him. The bulk of authority on constitutional power and limitations is favorable to the view that as Commander in Chief of the Army President McKinley had authority to take action in the case of the Boxer uprising.

Mr. CANNON. Will the gentleman allow a single suggestion?

Mr. CONNALLY. I yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I yield to the gentleman from Illinois.

Mr. CANNON. It is true, is it not, that President Polk ordered the Army across the Rio Grande?

Mr. CONNALLY. I understand the history of that time to be that President Polk did that on the theory that United States territory had been invaded by Mexican troops, and that he took action to repel invasion; and in the exercise of his constitutional power to repel invasion that he had employed the armed forces of the United States.

Mr. CANNON. I am not criticizing President Polk. The present President sent the Navy to Vera Cruz, sent the Army down onto the border, and ordered it into Mexico. I am not saying that he did wrong.

Mr. CONNALLY. I understand the point made by the gentleman from Illinois.

Mr. GREEN of Iowa. Will the gentleman yield a little further, in order to get this matter straight?

Mr. CONNALLY. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I understood it was the position of the Committee on Military Affairs that a provision to the effect that none of the money carried in this bill should be appropriated for troops on foreign soil could not be enforced, or that it was at least of doubtful constitutionality, and I understood that some of the Members thought it would be absolutely unconstitutional.

Mr. CONNALLY. I will say to the gentleman from Iowa that from the nods of gentlemen on the Military Affairs Committee, of which I am not a member, I assume that his statement as to their position is correct.

Mr. DENT. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Alabama.

Mr. DENT. I would like to state that I do not know of any action whatsoever having been taken by the Committee on Military Affairs to that effect, and I do not think they ought to be quoted as a committee. Individual expressions of members of the committee may have been to that effect.

Mr. KAHN. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. KAHN. The only time the Military Affairs Committee had this question up for consideration was in connection with the resolution of the gentleman from Illinois [Mr. MASON] to bring the troops out of Siberia. At that time the committee went into the question, and the constitutional precedents were placed before the committee and are in the hearings, and the committee took no action on the resolution.

Mr. CONNALLY. Perhaps the distinction in that case was this: Congress has no power to direct the President to take affirmative action as Commander in Chief. Congress would have no power in an appropriation bill or elsewhere to say that the President should withdraw the troops from Russia. The only power that Congress has is through control of the purse—that is, to deny appropriations. I want to suggest to the gentleman from Alabama and to the gentleman from Iowa that perhaps the gentleman from Iowa arrived at the conclusion that the view of the Military Affairs Committee was that as a matter of policy it was unwise to tie these limitations and restrictions to the Army appropriation bill, when, as a matter of fact, the war is not yet over and your peace resolution has not become law, and when, according to the law of nations, to-morrow or next day or next week hostilities might possibly be renewed between the United States and Germany; and the Military Affairs Committee did not want to be put in the foolish, unwise, and unpatriotic attitude of tying a string to this appropriation, which would make it impossible for the President properly to employ the Army and the Navy in defending our interests on foreign soil. I suggest that to the gentlemen. I do not know that that was the motive that prompted the Military Committee, but I would suggest that it would have been a very wise one if the committee did base its conclusion on that view.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MCKENZIE. Will the gentleman yield?

Mr. CONNALLY. I yield first to the gentleman from Iowa.

Mr. GREEN of Iowa. I heard the remarks that were made in the general debate on this bill, and I take it that possibly my friend from Texas did not.

Mr. CONNALLY. I heard some of them. I do not recall all of them.

Mr. GREEN of Iowa. I understood the gentleman from California [Mr. KAHN] and the gentleman from Illinois [Mr. MCKENZIE] to put the matter just as I have stated it. If I have stated it incorrectly, I will be glad to yield to them.

Mr. MCKENZIE. I want to say to the gentleman from Texas that as one member of the Committee on Military Affairs I would be opposed to putting the committee in an embarrassing position, and in my humble judgment any such limitation as has been suggested on this appropriation bill would be absolutely void.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY. I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I suggest to the gentleman from Illinois that I thoroughly and heartily agree with the suggestion of his view in so far as it expresses a policy as to the matter, and I want to say to the gentleman from Iowa that I am sure he does not really want to put such a limitation upon this appropriation bill, in view of the fact that our Army is occupying German soil under the terms embodied in the armistice which is still in force and which is recognized by section 5 of the resolution which you passed here the other day. You are claiming benefits under that armistice, and I want to suggest to the gentleman from Iowa that whatever other considerations may be suggested, he would not want to place his country in the position of withdrawing our troops from that zone without some agreement or some settlement with the Allies as to the occupation. And I want to say to the gentleman furthermore that when he and I were in Coblenz last year there were 240,000 American soldiers occupying that territory, and that was what the gentleman from California had in mind when he first presented the large amount of expenditure in the occupied zone. To-day there are something like 18,000 soldiers only, as I understand it, occupying that territory.

Mr. KAHN. There are 17,455, to be exact.

Mr. CONNALLY. There are that many in the occupied territory. Now, the gentleman from Iowa certainly would not want to come in here and try by legislative action to direct the military affairs of this Government. When the thirteen Colonies were conducting the War of the Revolution they undertook for a while to direct military operations through the Continental

Congress, but they had at last to come to the point where they gave Gen. Washington practically supreme power. And the same was true in the case of President Lincoln. In prosecuting the Civil War as long as the Secretary of War undertook to direct military operations in the field your armies were scattered and overwhelmed by the Confederates. At last he came to the conclusion that a civilian was not fit to direct military operations, and he gave Gen. Grant supreme authority in the field and limitless resources and men, and then victory perched upon the banner of the Union.

I want to suggest in reference to putting soldiers in occupied territory and sending soldiers to Russia, that though now it may be questioned by the Members of the House as to the wisdom of that action, that action was taken at a moment when we, alongside the Allies, were faced with a triumphant and unwhipped Germany. The action of sending soldiers to Siberia was the result of a general agreement with the Allies. The United States was but carrying out its part of another agreement when we sent troops into the occupied territory of Germany. We did not go in alone, but under an agreement and with a common purpose and with a common desire that we should put our armies along the Rhine River and hold the enemy at bay until a treaty could be signed. Had we not sent our soldiers there, had we not taken part in that enterprise, we would have been recreant to our duty, and America would have imperiled absolutely the great purpose for which we were engaged in the war. [Applause.]

The Clerk read as follows:

ORDNANCE DEPARTMENT.

ORDNANCE SERVICE.

For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service, and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, \$4,000,000: *Provided*, That all material purchased under the appropriations in this act for the Ordnance Department of the United States Army shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

Mr. CONNALLY. Mr. Chairman, I offer an amendment that is similar to the one I offered the other day.

The Clerk read as follows:

Page 52, line 17, after the figures "\$4,000,000," insert: "*Provided*, That no money appropriated herein shall be expended for the maintenance, repair, or operation of any motor-propelled passenger-carrying vehicle employed wholly or in part for personal, social, or other similar use, or for any use except for military official business."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer an amendment on line 17, page 52, after the word "provided," insert the word "further."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 17, after the word "provided," insert the word "further."

The amendment was agreed to.

The Clerk read as follows:

ORDNANCE STORES, AMMUNITION.

For the development, manufacture, purchase, and maintenance of airplane bombs; of ammunition for small arms and for hand use for reserve supply; of ammunition for burials at the National Soldiers' Home in Washington, D. C., and of ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home at Washington, D. C., and soldiers' and sailors' State homes, \$1,000,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Has not the time come when we can do away with the old military custom and incident expense of firing a cannon every morning and every evening at the various military posts of our Nation? We are not keeping up with the old militaristic spirit that actuated our forefathers years ago. Why can not we substitute something that will cost nothing and will remind the boys of peace in this country? There is good reason for the ceremony of raising and lowering the flag, but there is no necessity whatever for this expense of accompanying it with the firing of a cannon.

Mr. KAHN. Mr. Chairman, of course it is the hope of the Committee on Military Affairs that when the reorganization bill shall have been passed the wording of the military appropriation bill will be changed. All these matters will be taken up with the

idea of presenting a bill that will be entirely modern and up to date.

In regard to firing the sunset and morning gun, there are many citizens who set their timepieces by that gun just as the merchant in the great cities in this country looks for the falling of the time ball at noon on the merchants' exchange building, or some other building of that kind.

Mr. BLANTON. Surely the gentleman does not mean that the people in the United States need the firing of a cannon morning and night by which to set their clocks and watches to carry on business. I know it has been going on since 1869, but the time is now ripe to stop it.

Mr. KAHN. Sometimes it takes a cannon to wake people up. Mr. BLANTON. And it sometimes takes one to put them to sleep. We ought to wake up and take this obsolete feature out of our appropriation bill and do away with these war-time matters that have been so long a burden on the people. We are appropriating a million dollars in this item.

Mr. KAHN. But a very small part of this item is to go for the firing of the morning and sunset gun.

Mr. BLANTON. When is the gentleman going to give us the modern bill of which he speaks?

Mr. KAHN. I hope to get the Army reorganization bill through this House in a comparatively brief time.

Mr. BLANTON. After the convention?

Mr. KAHN. Oh, no, no. That is a matter that we propose to try and get through this House before this House shall adjourn at this session.

Mr. BLANTON. I think we ought to stop these morning and evening salutes. They cost lots of money and are an additional tax burden on the people. Let the flag be raised and lowered without firing cannons.

Mr. BEE. Mr. Chairman, I am not going to carry on the controversy about firing the morning and evening gun, but I would like to make this suggestion: Almost ever since this Government was established it has been the custom in the Army circles at the raising of the flag, the raising of the Stars and Stripes, in the morning to fire a morning gun. Ever since, almost, the Government was established it has been the custom when the flag was lowered in the evening to fire an evening gun. It is a custom, and it is sanctified and glorified by the blood and heroism of the men who have helped to make this country great. Of this item carrying \$1,000,000 probably an infinitesimal part of it is spent in the carrying out of this custom, memorial in its character, patriotic in its purpose, inspiring in its effect, and conducive to the love of country and the respect for the flag. [Applause.]

That is carried in the thought that as the sun rises in the morning and Old Glory floats to the breeze, the symbol of a brave and patriotic and mighty people is announced by the firing of a gun. Then as the evening shadows fall and night comes and slumber is about to envelop the people of this great Nation Old Glory is lowered from its station, where it has floated in the breeze, and the inspiring and beloved symbol of a great people lowered for that slumber by the firing of a gun. Let me say to my good friend from Texas [Mr. BLANTON] that whatever this Army bill may do I hope the time will never come when we will cease in Army posts, amid the soldiers of the Republic who guard the rights of the Government and of the great people who stand in the front of its dangerous enemy, to continue to pay this respect to Old Glory in the morning and to Old Glory in the evening. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. BLANTON. Old Glory is raised over this Capitol every morning without the firing of a gun, and is lowered every evening without the firing of a gun, and here in Washington my distinguished colleague has no cannon to wake him in the morning at Congress Hall. Why does he need one in San Antonio to wake him up?

Mr. BEE. Oh, I never participated in a discussion of clock or a discussion of San Antonio. I am talking about a great national question, and I want to say to my colleague from Texas that as a rule the flag is raised over the Capitol in the morning and lowered in the evening as they raise it over every schoolhouse in this land, and I hope the Army of the United States, the symbol of the defense and the strength of the people, will continue by the firing of a gun to pay its respect to that flag.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

MANUFACTURE OF ARMS.

For manufacturing, repairing, procuring, and issuing arms at the national armories, \$700,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Just what kind of arms are now being manufactured at the arsenals?

Mr. KAHN. I am informed that a small number of rifles are being manufactured at the various arsenals for the purpose of keeping intact the working organizations.

Mr. TILSON. They are only skeleton organizations that they are keeping going there?

Mr. KAHN. Yes.

Mr. TILSON. I understand, of course, that it is necessary to produce a number of spare parts to keep the rifles now in use in good condition.

Mr. KAHN. Yes.

Mr. TILSON. Especially those that went through the recent war.

Mr. KAHN. Yes.

Mr. TILSON. I suppose that they will need the replacing of a number of parts.

Mr. KAHN. Yes.

Mr. TILSON. The gentleman knows that it is the intention to go ahead and increase our stock of Springfield rifles as time goes on. This will serve two purposes, namely, to keep the organizations in shape to manufacture them and at the same time to gradually increase our stock of Springfield rifles.

Mr. KAHN. Of course, the only rifle that is being manufactured in the small-arms manufacturing arsenals is the Springfield; but the country has in its possession millions of rifles that were manufactured during the war for the use of our soldiers.

Mr. TILSON. About two and a half millions of those will be put away as a reserve for future emergencies.

Mr. KAHN. Yes.

Mr. TILSON. I have wondered if we were developing any new arms or whether this expenditure is simply to continue the manufacture of additional arms of types that we now have.

Mr. KAHN. That is the only purpose of this appropriation.

Mr. TILSON. With respect to the item before this, concerning which there was so much discussion in regard to the small items, blank cartridges for firing the morning and evening guns and salutes over the graves of dead soldiers, what kind of ammunition is it intended to manufacture with the remainder of the million dollars?

Mr. KAHN. Of course, it is intended to use that for the manufacture of ammunition for the Springfield rifles.

Mr. TILSON. Was there not a pretty large reserve supply of service ammunition left over after the war?

Mr. KAHN. There is a great deal of that ammunition left over, but we were told that experiments were being made in connection with aeroplane defense, and that new sizes were being developed in connection with the tanks, and experiments of that kind.

Mr. TILSON. Does the gentleman know whether the Ordnance Department is going forward with the .50-caliber gun we heard so much talk about being developed just about the end of the war?

Mr. KAHN. I understand that that gun is still being experimented with by the officers of the Ordnance Department.

Mr. FOCHT. Mr. Chairman, as I entered the Chamber I heard the beautiful tribute that was paid to the American flag by one distinguished Member from Texas [Mr. BEE], and then later on it was even more glorified by another Member of Congress from Texas [Mr. BLANTON]. Both gentlemen talked about how Old Glory was unfurled in the morning and taken down in the evening from over the Capitol. As a matter of fact, I will state to these two enthusiasts from Texas, whose love for the flag is so great and whose historical knowledge of a certain fact is so deficient, that the flag over the Capitol is never taken down; that there are four places that the flag floats on continuously and forever, namely, in front of the Capitol, in the rear of the Capitol, over the House Office Building, and over the Senate Office Building.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. BLANTON. And they do not need any gun to keep them there.

Mr. FOCHT. Oh, no; only plenty of noise from Texas. [Laughter.]

The Clerk read as follows:

ORDNANCE STORES AND SUPPLIES.

For the manufacture, test, purchase, and maintenance of sighting devices for airplane bombs, of carrying and releasing devices for airplane bombs; for overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots, \$1,000,000.

Mr. KAHN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 54, line 3, after the word "depots," change the comma to a semicolon and insert "for purchase and manufacture of ordnance stores to fill requisitions of troops."

Mr. KAHN. Mr. Chairman, this does not add any amount to the appropriation carried in the bill, but the ordnance officers claim it is absolutely necessary in order that they may manufacture certain materials that are in constant use by the Regular Army and by the National Guard.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

AUTOMATIC MACHINE RIFLES.

For the purchase, manufacture, test, repair, and maintenance of automatic machine rifles or other automatic or semiautomatic guns, including their mounts, sights, and equipments, and the machinery necessary for their manufacture, the funds appropriated to remain available until June 30, 1922, \$500,000.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. What is the idea of making this appropriation available for 1922?

Mr. KAHN. Of course, the gentleman knows that under the Constitution it is not possible to appropriate for the Army for more than one year unless Congress takes action. It is found that in manufacturing machine guns and tanks it is necessary to enter into contract with those who manufacture them, which contracts frequently extend over a year, and in order to make the money available for the payment of the bills under that contract this language is necessary. I want to say to the gentleman, further, that there are quite a number of items in the Ordnance appropriations in which that language is carried; it was found necessary because of the long time required to manufacture the ordnance articles.

Mr. WALSH. Well, of course, this would not prevent the manufacture of the articles if this money be not available until 1922.

Mr. KAHN. It would prevent the manufacture unless the manufacturer would wait for his money until 1922. In other words, we will be asked to make an appropriation in 1922 to pay the bills. But the purpose is to meet the situation by making it possible to pay the manufacturer his money as soon as he delivers his commodity to the War Department without having to come to Congress for a special appropriation for that purpose.

Mr. WALSH. Well, I appreciate that that is very convenient for the manufacturer, but I do not quite see how it is going to hinder the War Department.

Mr. KAHN. We will not be able probably to enter into those contracts unless the manufacturer can be assured that he can get his money promptly.

Mr. WALSH. Well, if the manufacturer is in any doubt of Congress being here in 1922 to appropriate the money I have grave doubts whether he is the proper party with whom to make a contract.

Mr. KAHN. I want to suggest to my friend that it frequently happens that considerable sums are involved in these contracts. The manufacturer has not a ready supply of money, and in order to make immediate payments he has to go to some financial institution and make a loan and pay interest. Every time he has to do that the Government has to pay that interest. He makes an additional charge upon his commodity because he can not get prompt payment.

Mr. WALSH. Following out that argument, why did not the gentleman make all these appropriations that require manufacture by private concerns available the same length of time?

Mr. KAHN. Because there are no contracts just like these for manufacturing machine guns and tanks. The other concerns that furnish food and furnish clothing and other material for the Army can get their money generally just as soon as the goods are delivered, but this money is held in abeyance until the goods are delivered, and it takes over a year frequently to make deliveries to the Government.

Mr. WALSH. I make the point upon the language in lines 24 and 25, "the funds appropriated to remain available until June 30, 1922."

The CHAIRMAN. The gentleman from Massachusetts makes the point of order against the language in lines 24 and 25—"the funds appropriated to remain available until June 30, 1922." The point of order is well taken, and the Clerk will read.

The Clerk read as follows:

TANKS.

For the purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until the end of the fiscal year 1922, \$500,000.

Mr. WALSH. Mr. Chairman, I make a point of order upon the language "to remain available until the end of the fiscal year 1922."

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. KAHN. Oh, the same reason for this provision applies as was given before with regard to the automatic machine guns. These necessary implements of warfare require a long time to manufacture, and therefore it was deemed advisable by the committee to make the funds for these implements available for two years.

Mr. WALSH. Well, now, does the gentleman know any case in his long experience upon this great committee where a contract was entered into by the officials of the War Department under an authorization in an appropriation bill which was not completed until the succeeding year where the contractor failed to get his money?

Mr. KAHN. Well, I know that we have had the matter up in discussion in the House on a number of occasions where the manufacturers had to wait a considerable time for their money. Of course, the tank is a new instrument of warfare. The ordnance officers who came before our committee explained that they were trying to simplify the manufacture, so that instead of being made up of a great many parts the tanks would be made up of just two parts, and in that way they could be turned out in great numbers in case we should again become involved in war. But the men who are manufacturing these implements of war are men of limited means, and it takes a long time to manufacture these implements. I submit that the provision that the money should remain available until 1922 would help the War Department, the Ordnance Department, and, I think, the men who are experimenting with these implements at the present time.

The CHAIRMAN. The gentleman from Massachusetts raises the point of order to the language on page 55, "to remain available until the end of the fiscal year 1922." The bill is an appropriation bill for the Army for the fiscal year ending June 30, 1921. Any provision extending beyond that period is legislative and subject to the exclusionary rule. The point of order is sustained.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. There was such a barrage and so much gas from Pennsylvania a moment ago that it obliterated the noise from Texas. I want to correct the gentleman's research in preparing for his flag speech. He got his data a little bit mixed up. If the gentleman had availed himself of the opportunity which was accorded every Member of Congress as well as the people of Washington to hear the splendid music which is rendered out here once a week by one of our marine bands, right here east of the Capitol during the summer months, he would have known that there is one flag upon this Capitol that at least one day in every week is lowered.

Because when that great Marine Band has played the Star Spangled Banner out here on the east side of this Capitol every Member of this Congress who has attended those exercises has seen that flag lowered during the playing of it at sunset.

Mr. FOCHT. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. FOCHT. Why, now, the gentleman with his vociferousness only emphasizes his ignorance, because my assertion and statement here is well understood by every person of intelligence. I regret that the gentleman can not comprehend the statement.

Mr. BLANTON. I do not yield for that kind of a harangue. I have the floor, Mr. Chairman, and fortunately, I have the privilege under the rules of the House of removing all this hot air and gas from my remarks, because I did not yield. The distinguished gentleman from Illinois [Mr. CANNON] upholds me in that position. There is one flag which, in looking up material for his flag speech, the gentleman overlooked, and that is the flag on the east end of this Capitol, that every time the Marine Band holds its concerts during the summer months here, has been lowered at sunset during the playing of the Star Spangled Banner, and the gentleman from Pennsylvania in that connection was incorrect. And I do not want to correct the speech that he made, his flag speech, but I do want to correct his remarks made here on the floor of the House.

The Clerk read as follows:

ARMS, UNIFORMS, EQUIPMENT, ETC., FOR FIELD SERVICE, NATIONAL GUARD.

To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, Engi-

neer, Signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, and a reserve supply of such arms, material, accouterments, field uniforms, clothing, equipage, and military stores of all kinds, as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, \$8,000,000: *Provided*, That the Mexican border medal or ribbon issued to National Guard officers and enlisted men under the provisions of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, shall be issued to National Guard officers and enlisted men who at the same time served as such in the field under the call of the National Guard to such Mexican border service but were stationed for service at points other than on the Mexican border: *Provided further*, That such medals shall not be issued to men who have subsequent to such service been dishonorably discharged from the service or deserted: *Provided further*, That members of the National Guard who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation: *And provided further*, That the Secretary of War is hereby directed to issue from surplus stores and matériel now on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery matériel and ammunition as may be needed by the National Guard organized under the provisions of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916. This issue shall be made without charge against militia appropriations.

Mr. GREENE of Vermont and Mr. DENT rose.

Mr. GREENE of Vermont. Mr. Chairman, I have a committee amendment. On page 57, line 16, strike out the word "or" and insert the word "and" in lieu thereof.

The CHAIRMAN. The gentleman from Vermont offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 57, line 16, strike out the word "or" at the end of the line and insert in lieu thereof the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Let me call the attention of the chairman of the committee that there should be a change in the spelling of the word "enlisted," in line 17.

Mr. KAHN. Yes. I ask unanimous consent that the change be made.

The CHAIRMAN. Without objection, the spelling of the word will be changed to "enlisted."

There was no objection.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Alabama [Mr. DENT] yield?

Mr. DENT. I yield.

Mr. MONDELL. I move to strike out the last word.

Mr. Chairman, before we conclude the consideration of the Army appropriation bill, I want to say just a word in appreciation of the work of the chairman [Mr. KAHN] and of the committee and all of the members of the committee, the minority and majority, in making up this bill. They have worked diligently, faithfully, and intelligently, and they have given us a bill that we can all support. I have said at one time and another that I hoped the Army bill would carry less than \$400,000,000. I am very glad to be able to say that it carries considerably less than \$400,000,000—some \$23,000,000 less. And yet I am of the opinion that the committee has cared for the military service well and efficiently, and that it will not be necessary to add to the items of this bill. I want to thank the Military Committee for having given us such very valuable assistance in realizing the hope and expectation expressed at the beginning of the session, of being able to reduce the estimates carried in the Book of Estimates in excess of a billion dollars. The reduction below the estimates made in reporting this bill amount to over \$600,000,000. That is a very large portion of the reduction we hope to make.

When I made my first statement I said we hoped to reduce in excess of a billion. When I made my second statement I said we hoped to reduce by a billion and a quarter. I think we may now confidently assert that there is no question but what in reporting and passing the regular appropriation bills at this session of Congress we will be able to show a reduction below the estimates as carried in the Book of Estimates of somewhat more than a billion and a quarter of dollars. In saying that I have in mind that there is reported elsewhere a naval bill which carries, as reported, I think, \$45,000,000 or \$46,000,000 more than was carried in the House. We all take a very great pride in the American Navy. A member of the Naval Affairs Committee has made some graphic charts, which are in the lobby, clearly evidencing the fact that the American Navy will be within the next year or two the greatest Navy that floats

the seas, in number of ships, in tonnage, and, I hope, in efficiency. I am not prepared to say that this is necessarily a matter over which we should be particularly enthusiastic, and yet it is a matter of proper pride that we have developed not only a great Naval Establishment but an exceedingly efficient one.

But there should be reason in all things. Time was when we were urged to build and build and build for fear some one across the Pacific was going to exceed us in the number and in the fighting capacity of ships. And then we had the German Empire held up before us as the real menace. There is no menace on the seas. Our tonnage under construction will make us stronger than any navy afloat. But the American people are not, in my opinion, prepared to pay for the maintenance of the Navy, as much pride as they take in it, two-thirds as much money as they paid for the maintenance of all of the activities of the Government prior to the European war; and I hope we will all have that in mind when the Navy bill comes back to the House. It was a liberal bill when it passed the House, rather too liberal in my opinion, but we supported it because the committee had worked faithfully and had done its best to keep the bill within bounds in face of the everlasting and never-ending insistence of the department for larger appropriations. I hope that the House will stand against any and every increase in the naval bill. [Applause.]

Even at the best, assuming that this military bill is not increased, assuming the naval bill is not increased, we shall be paying over \$800,000,000 for our Army and our Navy directly, in addition to very considerable appropriations carried on other bills, like the sundry civil bill, for these purposes. We want to, we must, we shall maintain a good Army and a good Navy, but it is highly essential that we shall remember the overburdened American taxpayer and that we shall remember that expenditures are in this fiscal year ending 18 months after the guns ceased to roar on the western front \$300,000,000, approximately, more than our enormous revenues, including very considerable sums obtained from salvage.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. We can not go on that way indefinitely. We must curtail. Now I will yield if I have time.

Mr. BLANTON. I understand we are soon to take up the third deficiency appropriation bill, which means that on three different occasions it has been necessary for Congress to pass deficiency bills and give more money to the departments that have gone beyond the scope of their expenditures as allowed by Congress. Are we going to keep on allowing them deficiencies when they unlawfully exceed our appropriations?

Mr. MONDELL. Well, I am not blaming anyone—

Mr. BLANTON. Well, I am blaming departments for exceeding—

Mr. MONDELL. For having taken over the railroads. There are a lot of folks who think that it was necessary. That matter is behind us. I am much inclined to blame those who had the administration of them, and yet I am not making that criticism now. But we did incur enormous obligations in connection with the railroads, and hence the deficiency bill which we are to consider within the next few days. As to other deficiency items, I am opposed to any and all estimates under the guise of a deficiency which in fact provides for larger expenditures for a given purpose than Congress contemplated.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLANTON. I wanted to call the attention of the distinguished majority leader to the fact that when the body at the other end of the Capitol took up the legislative, executive, and judicial appropriation bill on the first day there were about three pages of Senate amendments increasing our appropriations that were adopted by the Senate without even a word of argument, without even a word said in behalf of them on the floor of the Senate. How much longer is the House going to permit that kind of proposition to go through our conferees without action on the part of the House in curtailing those appropriations? We are helpless; we have no point of order against any of them.

Mr. MONDELL. I certainly am not going to indulge in unparliamentary language in reference to the action taken elsewhere. Hence, I shall say nothing, as I might not express my opinion of the matter in a way that would be entirely parliamentary. But I do confidently expect the conferees on the part of the House to do their duty, and I have confidence that they will.

Mr. HASTINGS. Mr. Chairman, will the majority leader kindly advise us, while he is upon the floor, what is expected to be considered in the House to-morrow?

Mr. MONDELL. To-morrow a special rule is to be brought in for the consideration of a bill increasing the allowance to injured men who are taking vocational training.

Mr. RAMSEYER. In stating the saving of \$1,250,000,000, has the gentleman included the railroad bill?

Mr. MONDELL. I was discussing the savings within the estimates carried in the Book of Estimates. Outside of those more appropriations will have to be made. We can only measure our savings now by measuring the savings within the regular estimates.

Mr. RAMSEYER. Was the railroad deficiency in the regular estimates?

Mr. MONDELL. The railroad deficiency was not in the regular estimates. In fact, the railroad deficiency is for the past and present fiscal years, whereas the regular appropriation bills I have referred to provide for the next fiscal year.

Mr. DENT. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. DENT. I have been a little afraid, Mr. Chairman, that perhaps the appropriation for the National Guard as contained in this bill was not sufficient. The Militia Bureau asked the committee for an appropriation for the National Guard for 175,000 officers and men, as I recall it. The committee decided to appropriate for an average of 100,000 National Guard. It occurred to me that if times should be restored to normal it might be possible for the National Guard to be built up very rapidly, and if we made an appropriation for 175,000 as requested by the Militia Bureau it would certainly do no harm, because if the States did not raise the guard the money could not be expended. At the present time, as I understand it, there are some 42,000 national guardsmen organized since the armistice.

Mr. KAHN. The gentleman is correct.

Mr. DENT. In view, then, of the fact, Mr. Chairman, that this bill goes into effect on the 1st day of July, and that the Committee on Military Affairs will begin the writing of another appropriation bill about the 1st of next December, I shall not make any objection to the provisions as to the National Guard.

Attention has been called, both in the report on this bill and also by the statement which was recently made by the gentleman from Wyoming [Mr. MONDELL], that this bill reduces the estimates made by the War Department in support of the Army by something over \$600,000,000. That is true, and the statement made in the report is a fair statement of the facts. But I think it is only fair to call the attention of the committee to the fact that when these estimates were made last fall—the law requiring them to be submitted in October—nobody knew what sized Army we were expected to have. A number of bills were pending for the purpose of reorganizing the Army of the United States, and the General Staff had prepared a bill for an Army of 576,000 officers and men and for universal compulsory military training.

Mr. KAHN. Mr. Chairman, will my colleague yield?

Mr. DENT. I yield.

Mr. KAHN. Of course, the bill as sent to the committee did carry a provision for universal military training. But I want to submit to my colleague that the estimate sent by the War Department last year also contemplated an Army of 576,000, and had no provision for universal training, and the figures submitted by the War Department were practically like the figures submitted to us here.

Mr. DENT. The figures were submitted on a proposed Army of 576,000 officers and men. Those were estimates. Now, it is only fair for this committee to know that both the committee on the part of the Senate and the House Military Committee repudiated that size of an army, and that repudiation was not limited to any party in this House. So that the estimates that were made were not made for the Army as authorized by law, but only for a proposed army, which neither House has agreed to accept; I think it is only fair for this House to know that the reduction of something like \$600,000 is based on a proposed army prepared by the General Staff, and one which the committee unanimously rejected. [Applause.]

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. I am only going to take a minute or two. We are always delighted to have the majority leader [Mr. Mon-

DELL] address the House, particularly upon the subject of economy. I want to suggest to him—I do not see him upon the floor now—that if he wanted further to economize he might do with reference to paying our railroad obligations as we do our Indian claims—just never pay them. After representatives of these Indians come around the committees for years and years and years, the claims are called stale, and no appropriation is ever made for them.

Then, when they come with a bill to allow them to go to our own courts, to have the courts say whether or not these claims are just, we will not even allow them to do that. I just want to call attention to the difference in treatment. In one case, in a deficiency bill we appropriate outright the amount that we ought to, and we pay our honest obligations, but when it comes to an Indian tribe we not only do not appropriate the money for them, like we do for the railroads, but we do not even let them go into our own courts, and give them a day in court so that they can be heard. I am in favor of paying our just obligations to all people, white or red. We should not be afraid to trust our own courts.

Mr. WALSH. Mr. Chairman, I offer an amendment in line 7, page 58, after the word "shall" insert the word "hereafter."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 58, line 7, after the word "shall" insert the word "hereafter."

Mr. KAHN. I have no objection to the amendment.

Mr. WALSH. I understand this proviso is made necessary by some ruling of the War Department?

Mr. KAHN. By a decision of the comptroller.

Mr. WALSH. By a decision of the comptroller which excludes the 31st day of the month?

Mr. CRAGO. It excludes the 31st day of the month.

When men are called into camp on the 31st day of July or the 31st day of August, or the camp ends on that day, they do not receive pay for that day, as the Army pay tables are based on 30-day months. In any event they exclude the 31st of the month, and in July and August, when most of the National Guard organizations are called into service, each of those months has a thirty-first day, and therefore there is necessity for this proviso.

Mr. ANTHONY. Would not the gentleman's amendment make it impossible to pay those States that have heretofore been deprived of pay for the service of their National Guard on the 31st day of the month? Would not the word "hereafter" make this apply to the future and not to the past?

Mr. CRAGO. I am afraid it would.

Mr. ANTHONY. I am sure the gentleman does not want to produce that result.

Mr. CRAGO. No; we ought not to do that.

Mr. WALSH. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

TANK SERVICE.

For payment of the necessary civilian employees to assist in handling the clerical work in the office of the Chief of Tank Corps, the various Tank Corps organization headquarters, and Tank Corps schools; and for the payment of the necessary mechanics to assist in repairing and preserving tanks in the hands of Tank Corps units, \$50,000.

Mr. WOOD of Indiana. Mr. Chairman—

Mr. KAHN. I presume the gentleman from Indiana is going to make a point of order?

Mr. WOOD of Indiana. That is my purpose.

Mr. KAHN. I want to call the gentleman's attention to the fact that the Tank Corps at Camp Meade are in Maryland and not in the District of Columbia.

Mr. WOOD of Indiana. Why are they not in the District of Columbia?

Mr. KAHN. Because the Tank Corps are operating at Camp Meade, and every time the chief of the corps comes before the Committee on Military Affairs he comes from Camp Meade and brings his assistants with him from Camp Meade. They are operating down there and not in the District of Columbia.

Mr. WOOD of Indiana. On that statement I will not make the point of order.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate

had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 180) authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPENCER, Mr. McNARY, and Mr. JOHNSON of South Dakota as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

INCIDENTAL EXPENSES, TANK CORPS SCHOOLS.

Incidental expenses in connection with the operation of the Tank Corps schools, \$5,000.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. The bill is nearing completion now, and it carries a considerable appropriation for the purchase of supplies. I want to ask the gentleman if the committee gave any consideration to the surplus supplies that are now on hand?

Mr. KAHN. Oh, yes. The committee were very careful to investigate that matter, and on almost every item of supplies a specific inquiry was put to the officers of the War Department to this effect: "Have you any of those supplies on hand now; and if so, what quantity?"

Mr. McKEOWN. I want to say to the gentleman that if we permit the War Department to sell our surplus supplies which we have ordered sold, and if they are sold to dealers in large quantities who resell them at retail at an enormous profit, and then if we have to buy back those supplies on a depleted market at a very much increased price, the United States Government is going to suffer, and the people are going to suffer both ways. We are going to lose money on the sale of this property and then lose money when we buy the supplies back again, to furnish the necessary supplies for the Army. To my certain knowledge, in one instance they are reselling these supplies at 100 per cent over what they paid the Government.

Mr. KAHN. I want to say to the gentleman from Oklahoma that as the Army is growing smaller the War Department will probably declare further supplies to be surplus. They have a surplus board. But I am told that reserves are being held so that there will be no need to purchase supplies, of which there is a surplus, for some time.

Mr. McKEOWN. Has any method been proposed by which they can prevent unreasonable profits being made on the supplies that are being held?

Mr. KAHN. Of course, that is a question that has been up before the Committee on the Judiciary and other committees. It comes under the proposition of profiteering; but the Committee on Military Affairs has no jurisdiction after the supplies have been sold and have gone into the hands of purchasers.

Mr. McKEOWN. It has occurred to me that it might be provided as a condition precedent to the approval of the bid that such an article should not be sold at to exceed a certain per cent increase on the resale. It makes an embarrassing situation here.

Mr. KAHN. That is an administrative matter, of course, which rests with the officials of the War Department.

Mr. McKEOWN. I understand, but I wanted to call the attention of the committee to that condition. The question was suggested the other day by the gentleman from Illinois [Mr. McKENZIE] in a discussion over the sale of nitrates. I think that is going to be a very serious question, that the Congress has permitted supplies to be sold in large quantities to dealers who immediately go out and put an unreasonable profit on those supplies when they offer them for sale.

I withdraw the pro forma amendment.

Mr. BLANTON. I rise in opposition to the gentleman's motion. I want to ask the chairman of the committee with regard to complaints that have been coming to me, and that may have been coming to him, with respect to the charge that thousands of automobiles have been kept at various military centers for months without any shelter over them, exposed to the rain and snow and weather, and not sold, because of protests on the part of automobile manufacturers that it would cause an oversupply of automobiles in the market. Is there an understanding between our War Department and the automobile manufacturers?

Mr. KAHN. The gentleman makes a statement that I have heard, but I have not been able to investigate it. The fact remains that at the end of the war we did have many auto-

mobiles and autotrucks and other vehicles, and we had no shelter for them. The Congress since then on two or three occasions has passed legislation ordering the distribution of these trucks for road-building purposes and for the Postal Service. I understand the surplus is rapidly diminishing, if it has not entirely disappeared.

Mr. BLANTON. The gentleman is speaking in regard to trucks. I have within the last month received complaints, not only from my own State but from several other States, that not a single automobile proper has been sold, unless it was a machine condemned by the department; that the great majority of automobiles have been held and are still held in military centers in weather, rain or shine, and are being damaged. They say that if the committee will investigate they will find that that is true, and that it is because of the claims of the automobile manufacturers that it will hurt the market and their business. These complaints come from substantial citizens, and I am sure the gentleman's committee ought to investigate it.

Mr. KAHN. The Committee on Military Affairs has written legislation into this bill forbidding the purchase of additional motor vehicles of any kind.

Mr. BLANTON. Yes; but we have at these camps now automobiles in large numbers that ought to be sold.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, is debate on this amendment exhausted?

The CHAIRMAN. No; the Chair will recognize the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the statement made by the gentleman from Texas [Mr. BLANTON] is more than a rumor as to the course pursued by the War Department in permitting automobiles and material of one kind and another to go to waste. I am not disposed to criticize this committee or to suggest that it has not done its duty, but am surprised at the statement of its chairman that, in view of all the statements that have been made by those who evidently know what they are talking about, by men whose statements usually are correct and always entitled to credit—to hear him say his committee has made no investigation, but deliberately recommends appropriations which can be used by the Department of War for the purchase of great quantities of stuff of which it now has more than it can possibly use.

Mr. KAHN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KAHN. The chairman of the committee stated positively that there is language in this bill which prohibits the purchase of additional motor-propelled vehicles of all kinds.

Mr. McLAUGHLIN of Michigan. The language will have to be ironclad, otherwise the department will find a construction by which it can spend the money as the committee does not intend.

Now, I wish to add another word. I know the chairman is anxious to finish the consideration of this bill, but while it is in my mind I wish to say that explanations have been forthcoming as to all features of this bill. The moneys appropriated in the bill, in total, amount to nearly four times as much as was ever carried in an Army appropriation bill previous to the war. The gentleman himself may be satisfied with the explanations, but I think he will have hard work to make people of the country accept them.

I had a little experience with the War Department. A statement I made on the floor of the House a few days ago came to the attention of the Secretary of War, and I received a letter from him. You will remember I told the House that the chief of the roads bureau and the Solicitor of the Department of Agriculture had been before the Committee on Agriculture and had made a statement. The committee was considering whether or not \$4,000 or \$5,000 should be appropriated for the purchase of a new truck for the use of one of the bureaus of that department. They were asked why they could not use some of the trucks turned over by the War Department. It came out that the War Department, pretending to follow the law that had been passed directing the Secretary of War to turn over to the Department of Agriculture trucks which his department did not need to be used in the road-building program in cooperation with the States—that the War Department had deliberately removed the apparatus of trucks above the wheels and had turned over to the Agricultural Department little, if anything, beside the running gear and chassis. When I made that statement a few days ago the accuracy of it was questioned by a Member who asked if I had talked with the Secretary of War in order to determine whether or not my statement was true. I had not interviewed the Secretary—have not interviewed him yet; but he evidently read my remarks in the RECORD, and he wrote me a letter admitting the truth of what I had said, quoted the law under which he acted, in an effort to explain and to justify the remarkable course he

had pursued. The law quoted by the Secretary is "that the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department but suitable for use in the improvement of highways and so forth." The Secretary writes me that this law not only permits but requires him "to retain for use by the War Department any equipment which was needed for the supply of the Army"; and he adds that tanks and dumping apparatus of "some trucks were removed for installation upon standard Army chassis, and thus obviated the necessity of purchasing similar articles." He attempts to justify his destruction of trucks as far as their value to the Department of Agriculture is concerned, and says he thereby obviated the necessity of buying similar articles, in face of the indisputable fact that he had and now has thousands and thousands of trucks—the same kind of trucks—so many that he finds it necessary—from his standpoint—to permit them to be destroyed. The Secretary's letter very kindly acquits me of intentional "misstatement"; he says I am "not familiar with the law," else I would not have said what I did.

Mr. GARNER. Why not include in the bill a provision compelling the War Department to sell the automobiles and trucks?

Mr. McLAUGHLIN of Michigan. The gentleman from Texas [Mr. BLANTON] points out that we have a great many automobiles and trucks going to waste, that they have been permitted to remain out in all kinds of weather, the department refusing to put them under cover, permitting them to go to waste. There are statements, more than rumors, that the department has deliberately destroyed the property of the Government of this kind. They have thrown automobiles off railroad trains, have taken new machines and driven them around so that they would be second hand, so that they would have no new machines for sale. I do not believe such a course should be permitted to pass unnoticed; there ought to be an investigation. I do not see how the committee can come before Congress and ask for additional money, admitting all the time that they have made no investigation.

Mr. KAHN. Mr. Chairman, I want only about two minutes. I will say that there is a committee that is investigating this entire matter of motor trucks and motor vehicles. That committee is the committee of which the gentleman from Nebraska [Mr. REAVIS] is the chairman. He has made a full investigation of this matter. The Committee on Military Affairs recognizing that that committee had jurisdiction over the subject, did not attempt to take up the matter, but tried to take up new constructive legislation. The gentleman says that there has been a great increase in the Army and in the cost of the Army. If the gentleman had been here the other day when I made my opening statement, he would have learned that almost every article that is used in the Army has gone up from 100 to 200 and 300 per cent in cost since before the war, he would have learned that shoes that were then sold to the Government for \$2.70 a pair now bring \$7 a pair, he would have recognized the fact that the pay of the soldier before the war was \$15 a month and that to-day it is \$30 a month, and that the number of men who are classed as first-class privates receive \$33 a month.

Mr. GARNER. Mr. Chairman, that is all very interesting, but the query still comes back, Why do you not force the War Department by law to sell these automobiles?

Mr. KAHN. Because the other committee has jurisdiction over that matter, and we have been so busy preparing these constructive bills that we have allowed the other gentlemen—

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. When the Reavis Committee comes in here there will be a resolution from the Committee on Rules that will provide for four hours of debate, and in the end we will have no resolution on the subject. The gentleman's committee has power to legislate, and the Reavis Committee will not undertake to legislate, and the result is just a question of tweedledum and tweedledee.

Mr. KAHN. Does the gentleman mean that this committee has had one moment of spare time since this session began?

Mr. GARNER. After we pass this bill the committee will have more time in which it can legislate and bring in more legislation. Have we any assurance that it will bring in legislation that will compel the War Department to do what every man in this House thinks ought to be done?

Mr. KAHN. I want to assure the gentleman that we will have some conference reports to go through with, and I want to tell the gentleman that the Committee on Military Affairs wants to take up the very important question of revising the system of courts-martial and the Articles of War, and that it will take up some additional legislation.

Mr. GARNER. Then, from what I gather from the gentleman's statement, he does not anticipate any legislation on this subject?

Mr. KAHN. If we have time to take up this matter outside of the regular work of this committee, we will try to formulate some legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Texas a question.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McKENZIE. Mr. Chairman, I desire to ask the gentleman from Texas if it is not a fact that the Secretary of War and the Chief of Staff and the men in charge of the Military Establishment now have the power to declare any article in their possession surplus?

Mr. GARNER. According to the gentleman from Michigan [Mr. McLAUGHLIN], who spoke just a moment ago, the Secretary of War says he has no such power.

Mr. KAHN. He has done it repeatedly.

Mr. GARNER. I am quoting the gentleman from Michigan. He said he had a letter from the Secretary of War in which the Secretary said, as I understood him, that he did not have the power now to do this thing. I am asking the gentleman why his committee does not compel him to do it.

Mr. McKENZIE. The gentleman has answered my question in the affirmative, I take it. That being true—

Mr. GARNER. I did not answer the question. I say that the gentleman from Michigan [Mr. McLAUGHLIN] says that the Secretary says that he has not that power.

Mr. McKENZIE. I insist that he has.

Mr. GARNER. But the Secretary of War says that he has not.

Mr. McKENZIE. And, furthermore, they have the power under the law to declare articles surplus, and whenever they declare articles surplus then they have the right to sell those articles. The people to get at, in my judgment, if the gentleman is anxious to get quick action, are not the people who are members of the Committee on Military Affairs but the Secretary of War and the Chief of Staff and the men in charge down here who have control of the department.

Mr. GARNER. When it comes under the observation of the gentleman's committee and the House of Representatives and the Committee of the Whole House, as it is now, that the Secretary has that power, that he is not exercising that power, why does not the gentleman's committee compel him as far as it can by law to exercise that power? Why do not you put a provision in this bill saying that the War Department shall not have more than a certain number of automobiles, and that they must dispose of the balance of them?

Mr. McKENZIE. I will say that in my judgment the men at the head of the War Department, including the Secretary of War, are men of ability and better able to judge whether they have a surplus or not than are the members of the Committee on Military Affairs. We do not know whether they have a surplus or not. They ought to know; and if they have a surplus they ought to declare it and sell it.

Mr. GARNER. In other words, if I catch the gentleman's meaning, it is that we have an inefficient Secretary of War.

Mr. McKENZIE. No; I did not say that.

Mr. GARNER. The gentleman did not say that, but that is the inference, that we have a Secretary of War who is not carrying out the policy that the gentleman would have him carry out—or, at least, what seems to be the disposition of this House—and you have not sufficient knowledge or ability to put it into law and compel him to do it.

Mr. McKENZIE. In reply I would say that the gentleman from Texas has been indicting his own administration and his own Secretary of War and that I am insisting upon being fair to them.

Mr. GARNER. I do not hesitate to indict my Secretary of War when I understand that he is not performing the duties that this House thinks he ought to perform. I do not care who he may be, if it is true, as stated by the membership of this House on the floor—and the matter has not been denied—that these automobiles are going to waste; that the Agricultural Department does need them and ought to have them, and can not get them for the want of law, as has been suggested by the gentleman from Michigan [Mr. McLAUGHLIN] and by the statement of the Secretary of War; then, that being the case, this House and the gentleman's committee ought to function and give him power to do it, and if he does not do it compel him to do it.

The CHAIRMAN. Debate on the amendment is exhausted, and the Clerk will read.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Chair has already directed the Clerk to read.

The Clerk read as follows:

That the amount so advanced be charged to the proper appropriations and returned to "Army account of advances" by pay and counter-warrant. The said charge, however, to particular appropriations shall be limited to the amount appropriated to each.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. We have heard a great deal of talk here to-day about what the Secretary of War ought to do and why he does not do it, and what this committee ought to do and why it has not done it. I am going to submit what I have heard and believe to be true. The War Department has a number of men in charge of the sale of surplus supplies of all kinds, and they have a combination of men to whom they are selling those supplies when they are declared to be surplus, and it is said they never make a declaration of surplus on certain supplies until they find that the men to whom they sell them have found a market for them; and the next day after these men report that they have sold the goods, whatever they may be, these goods are declared to be surplus.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Not yet. The result is that these men who are in the business of selling war surplus supplies on the market are making millions of dollars. Now, I make that statement as the result of information which comes to me. I make the charge that the War Department has not, except in instances where they have a large quantity of a particular supply that they can not dispose of in this way, declared a surplus until these favorites, if I may so state it, have reported to them that they have made the sale.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. I hope I make myself clear.

Mr. GARNER. The gentleman does.

Mr. MADDEN. I want to be distinctly understood as saying that the men in charge of the sale of war surplus supplies are playing favorites with men on the outside to whom an advantage is given, and that in no case, except such as I have mentioned, is anybody advised that war supplies are declared as surplus.

Mr. GARNER. Let me say to the gentleman I think it is his duty—and I think the gentleman will observe it himself—to present these facts to the proper authorities and have these people indicted and send them to the penitentiary. There is where they belong.

Mr. MADDEN. I make that statement on my responsibility as a Member of Congress, based on information which I think reliable, and I take this method of informing the War Department of the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. I ask that the gentleman's time be extended for five minutes.

Mr. MADDEN. I do not want five minutes. I have said what I wanted to say.

Mr. GARNER. I will ask to be recognized.

Mr. FIELDS. Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky.

Mr. GARNER. Will the gentleman from Kentucky yield to me in order to ask a question of the gentleman from Illinois?

Mr. FIELDS. I will.

Mr. GARNER. The gentleman from Illinois has made a statement here that is an indictment of the War Department that ought to be remedied. He makes it on his responsibility as a Member of Congress. Now, I say to him he is in the majority of this House. With that statement before the Committee on Military Affairs it is its duty before this bill leaves this body to put a provision in it compelling these people to sell these automobiles or this property and leave a certain surplus necessary for the conduct of the War Department, and compelling them to do it within 60 or 90 days. Why does not the gentleman and his committee or his side of the House put a provision on this bill which will compel them to protect the people of this country that they are robbing, as the gentleman says they are? I ask that question. Why does not the gentleman do it?

Mr. MADDEN. I am not a member of this committee.

Mr. GARNER. I want the gentleman to indict his committee just as he is indicting the War Department, and I think the gentleman ought to do it.

Mr. MADDEN. I made a statement which I will be able to verify.

Mr. GARNER. The gentleman is a member of the steering committee, the boss of the House, and I think the gentleman

ought to come across with this House by putting something on this bill that will remedy the situation. [Applause on the Democratic side.]

Mr. FIELDS. Mr. Chairman, it is true that the gentleman from Illinois [Mr. MADDEN] is not a member of the Committee on Military Affairs, but he is a Member of the House of Representatives of the Congress of the United States, and in the protection of the Government his responsibilities are equal to the responsibilities of the Military Committee. If he has the information that he says he has, and I do not question the correctness or incorrectness of his statement, I am going to challenge him to put the names of the gentlemen whom he indicts into his remarks and invite the attention of the Department of Justice to the alleged offense.

Mr. MADDEN. I think the department has sufficient notice when it reads what I have said on this subject.

Mr. FIELDS. And introduce a resolution for an investigation. I have no sympathy for any officer, military or civil, who will rob the Government, and I contend that it is the duty of every Member of Congress when the facts are brought to his attention that some individual is robbing the Government to give the name of the individual or those persons guilty to the Government, to the Congress, and to the public and demand that they be prosecuted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the statement made by the gentleman from Illinois [Mr. MADDEN] was rather startling, and I think it but fair to announce to this committee that by reason of that statement the chairman of the Committee on Military Affairs will try to get in touch with the chairman of the committee that has been investigating this automobile and motor-truck business, and will try to cooperate with him so that we may have within a few days a legislative problem before this House on that entire question.

Mr. DENT. Will the gentleman yield to me for a minute?

Mr. KAHN. Yes.

Mr. DENT. Is it not a fact that in the mail of each Member of this House every day there is a printed notice sent from the Sales Division, showing what is declared surplus, and when and where bids will be opened? It is in the mail every morning.

Mr. KAHN. I have not been receiving them lately, but it has been done constantly in the past.

Mr. MOORE of Virginia. Will the gentleman from California permit me to ask him a question?

Mr. KAHN. Yes.

Mr. MOORE of Virginia. We have been here since the 19th of May, and I would like to ask my friend if he ever heard this charge being made until this moment?

Mr. KAHN. I did not hear the charge made by anyone until the gentleman from Illinois [Mr. MADDEN], on his own responsibility as a Member of this House, made it, and therefore I say it is serious enough, in my opinion, to be taken up with the committee that has been investigating these questions, with a view of getting some bill before the House without delay.

Mr. MOORE of Virginia. I think the charge ought to be investigated, if I may interrupt the gentleman a moment further; but I make the prediction now that the truth of it will never be proved.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the gentleman from Texas [Mr. GARNER] misunderstood me, and he has, unintentionally of course, misquoted me. I did not say the Secretary of War had no authority to sell or otherwise dispose of surplus automobiles or other material. In fact there is a law directing the Secretary of War to turn over trucks, and so forth, to the Department of Agriculture. I was speaking to the proposition that the air is full of rumors, possibly, but some able-bodied rumors, to the effect that the Secretary of War is deliberately permitting waste of war material, and it looks very much as if he were conniving at its destruction. I spoke of matters which had come to my attention, and my statement is verified by a letter from the Secretary of War himself that in pursuance of the law directing him to turn over trucks to the Department of Agriculture, he, the Secretary of War, or some one acting under his direction, had deliberately removed from those trucks all their upper works, the very kind of paraphernalia needed on those trucks that are to be used in building roads. The law says expressly that these trucks were to be used by the Secretary of Agriculture in highway construction throughout the country.

Mr. GARNER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. As I said, the Secretary of War took notice of my remarks made a few days ago and wrote me a letter, in which he assumes to justify his course in doing the very thing I charged him with doing and points out the words in the law which he says authorize him to do that, namely, that he is authorized to keep whatever "can be of use

to the War Department." Think of it! Under those words he attempts to justify the stripping of trucks, taking off all above the wheels and the chassis, taking off tanks and dumping machinery, taking off the tops and other paraphernalia, the very things which gave them value for their intended use—the building of roads in this country. It shows the length to which the Secretary of War will go not in observing the law but in violating it, getting in line with those who evidently are deliberately trying to destroy the property of the United States, so that it will not go into the market to compete with the original producers of it.

Mr. GARNER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARNER. Why do not you put a provision in this bill compelling him to sell the trucks not needed by the War Department? Why do you not compel him to do right when you know and say he is doing wrong?

Mr. McLAUGHLIN of Michigan. The gentleman from Texas has already addressed his inquiry and made his suggestion along that line to the proper authority, the chairman of the committee having charge of this bill; it should not be addressed to me.

The CHAIRMAN. The Clerk will read.

Mr. GARD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Debate on this amendment is exhausted. The Clerk will read.

Mr. KAHN. Mr. Chairman, I suggest the gentleman wait until we read further.

The CHAIRMAN. The Clerk has already been directed to read. The Clerk will read.

The Clerk read as follows:

That any balances of existing Army appropriations now available for withdrawal from the Treasury, together with any unexpended balances now charged to disbursing officers or agents of the Army which, under existing law, are available for disbursement, shall at such time as may be designated by the Secretary of War, be transferred on the books of the Treasury Department to "Army account of advances" and shall be disbursed and accounted for as such.

Mr. GARD. Mr. Chairman, I am sure that every one in the House was amazed to hear the charge made by the leader of the steering committee on the majority side in his protected capacity as a Member of the House, and upon that responsibility, as he says in no uncertain language—because he asked that it be so understood—does he not only inferentially charge, but does actually charge crimes and criminal transactions in the War Department on the part of persons therein and others he characterizes as "confederates" in the sale of surplus property.

Now, when a man in high authority does that, such a man as the leader of the steering committee in charge of legislation in this House of Representatives, and a man who says he speaks upon his responsibility as a Member of the House of Representatives, makes this serious charge, I call on him in the name of that responsibility to give this House the names of those persons, or the name of one of those persons at this time, and I await an answer.

It is an increasingly common thing, gentlemen, to hear a lot of light and loose talk, and one of the principal ways of inciting distrust of our National Government and of officers who honestly are administering their functions is to have some man in his protected capacity speak in innuendo or in direct charge concerning a thing, making a charge of crime, and then failing on challenge to respond in the slightest or give any evidence as to what that information is which he says he has. It is easy to say that a man is a criminal. It is easy to make a charge, but it is a fair thing for a man, even on his responsibility as a Member of the House of Representatives, to give his fellow Members of the House who want to do the fair thing, too, an opportunity of knowing just what that information is. He says he speaks with authority. Let us have the authority. Let us have the information, Mr. Chairman and Members of this House, and if a man has such information now and here is the time to speak and not sit in silence. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CODIFICATION MILITARY LAWS.

That the Secretary of War is hereby directed to cause to be prepared, with as much expedition as may be consistent with thoroughness, to be finished within two years, a revision and codification of the military laws of the United States, which shall conform in scope and character to the revision and codification of the laws of the United States of a permanent and general nature directed by the act of March 3, 1901. The Secretary of War shall submit to Congress a report of progress of the revision and codification herein directed upon the first day of the third session of the Sixty-sixth Congress, and, when the revision and codification is completed, he shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted, if Congress shall so determine.

Mr. JAMES rose.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order on the paragraph and also on the preceding paragraph.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph.

Mr. KAHN. It is subject to a point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. JAMES] has been recognized. The Chair will recognize the gentleman from Indiana later.

Mr. WOOD of Indiana. I do not want to debate it unless the provision is decided to be in order.

Mr. KAHN. I concede the point of order. It is clearly subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For paying the expenses of clerical hire and printing and other expenses incident to the making of the revision and codification herein directed not to exceed \$10,000 is hereby appropriated, to be expended upon certificates of the Secretary of War that the expenditures were necessary therefor.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order on that paragraph.

Mr. KAHN. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

TIME-MEASURING DEVICES.

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. JAMES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. JAMES. Mr. Chairman, I want to say a few words concerning the item on page 61 regarding disbursing officers.

There should be some change in the system by which men who are discharged from the Army are paid. I know of a case where a young man was discharged from the Army on December 12, 1918. The disbursing officer sent him a remittance of \$12 by registered mail, but as it was sent to the wrong address it was returned to the sender, Maj. Durkee. Maj. Durkee then sent another registered letter to the soldier, Clarence J. Vaughan, at his home at Marquette, Mich. The second registered letter was duly received, but contained no money. Mr. Vaughan took the matter up with Maj. Durkee and the War Department and explained that the registered letter contained no money, but receiving no satisfaction sent all papers to me.

After some correspondence I was given to understand that if Mr. Vaughan would furnish a bond, with two responsible bondsmen, he would be paid. I was also informed that—

he should also be cautioned that the instructions attached to the bond of indemnity must be followed absolutely, as the bond when completed must be approved by the Treasury Department prior to the payment of the duplicate check.

Instructions regarding bond were "followed absolutely," red tape and all, and bond was executed and forwarded to the War Department on March 1, 1919.

On July 9, 1919, I was informed by the War Department that they had discovered that the disbursing officer, Maj. Durkee, had sent "currency" to Mr. Vaughan instead of a check, and therefore they were not responsible, and stated that the matter would have to be taken up with the Post Office Department.

After a good deal of correspondence and conversation with the Post Office Department I was informed that nothing could be done until Maj. Durkee could be located and interviewed by a post-office inspector. I was also informed that it would be necessary to get an affidavit signed and sworn to by Maj. Durkee that he had really sent the \$12 in currency.

Very luckily Maj. Durkee had not been sent to Siberia to guard some railroad, or to Silesia to oversee some election, or Mr. Vaughan's grandchildren might be paid the money some day.

Maj. Durkee was finally located in Texas and stated that he had sent out thousands of letters and did not remember anything about the one sent to Mr. Vaughan. The Post Office Department said they "were sorry, but nothing could be done until the affidavit was secured."

Under date of January 8, 1920, or about 13 months after Mr. Vaughan had been discharged, I was told in part: "I have to state that the case is still under investigation, with a view to fixing responsibility for the rifling, if possible, in the event it can be definitely determined that the letter was rifled while in the custody of the Postal Service."

As this was as "clear as mud," I asked for further information, and I gathered the additional information that about the only way that they—the Post Office Department—could or would pay was to have the man who stole the money admit that he had stolen it. [Laughter.]

I was also informed that—

Inasmuch as the letter in question was mailed under cover of an official penalty envelope, without payment of postage, indemnity in this case is not applicable. However, if further investigation results in fixing responsibility for the rifling upon a postal employee, consideration will be given to the matter of attempting recovery of the amount involved from such employee in order that claimant may be reimbursed.

In other words, although the registry fee had been paid, the Post Office stated that they assumed no responsibility because the envelope was a "franked" one instead of carrying a 2-cent stamp.

We then called the attention of the War Department to the matter and was informed that they had sent out thousands of registered letters in franked envelopes, and it was their contention that the Post Office was responsible, and they would take the matter up with them at once and advise us.

This was several months ago, and I presume that there is still a debate between the War Department and the Post Office Department as to whether or not money sent a soldier by registered letter and stolen should be paid to the soldier and, if so, by what department.

Mr. Vaughan is not so much concerned about the amount as he is about the principle of the thing. I take it for granted that there are many others in the same fix.

I sincerely hope that before the next war that the War Department will have worked out a system that will be fairer to the soldier and one that means he will be reimbursed promptly in similar cases.

I would like to call attention to another matter. It has been stated many times by defenders of the "league of notions," most of them half-baked and none made in America, that the treaty ought to be ratified so that our business men could "resume trade relations with Germany." At the same time our own War Department had sold goods to Germans and claimed that they had the right to do so on account of a certain proclamation issued by the President.

The following explains itself:

WAR DEPARTMENT.
Washington, August 20, 1919.

HON. W. FRANK JAMES,
Twelfth district, Michigan, House of Representatives,
Washington, D. C.

DEAR SIR: Your letter of August 7 to Gen. P. C. Harris, Adjutant General of the United States Army, requesting a copy of the order by which provisions, etc., belonging to the Army can be sold to Germans has been referred to me.

The authority under which sales to Germans are permitted is not a War Department order. The solution of this question resolves itself into two inquiries, namely:

1. Who has authority to sell War Department materials?
2. Is there authority in such person or persons to sell to Germans?

1. WHO HAS AUTHORITY TO SELL WAR DEPARTMENT MATERIALS?

By virtue of the authority given in the act of Congress dated July 9, 1918, War Department General Orders, No. 24, dated February 11, 1919, was issued, creating, by the direction of the President, a "United States Liquidation Commission, War Department." The powers of the commission, so far as concerns this inquiry, are set forth in paragraph 3, subparagraph b, which reads:

"To sell or dispose of, upon such terms as it shall determine, any property of whatsoever kind or material acquired, constructed, or manufactured by the United States in connection with or incidental to the participation of the United States in the war and now located beyond the territorial limits of the United States and its possessions."

By virtue of the same act of Congress the President directed that the War Department set up machinery for the sale of surplus War Department material situated in the United States. This was done, and the office of the director of sales, in the office of the director of Purchases, Storage and Traffic, was created.

Both of these organizations, namely, the United States Liquidation Commission and the director of sales, have, therefore, authority to sell surplus War Department property.

2. IS THERE AUTHORITY TO SELL IT TO GERMANS?

By an act of Congress approved October 6, 1917, known as "An act to define, regulate, and punish trading with the enemy, and for other purposes," it was declared to be unlawful for any person in the United States, except with the license of the President, to trade with the enemy or ally of an enemy. As defined by this act, all Germans clearly fell within the term "enemy." By the Executive order dated October 12, 1917, the President established the War Trade Board and empowered it to take all necessary steps not inconsistent with the law to issue or refuse licenses for the exportation or importation of all material. This Executive order, issued under authority of the act of October 6, to which reference has been made, thus delegated the power of the President to the War Trade Board to determine the issuance of import and export licenses. By virtue of this power, on July 14, 1919,

the War Trade Board issued ruling 802, entitled "Resumption of trade with Germany." This bulletin stated that a general enemy trade license has been issued authorizing all persons in the United States, on or after July 14, 1919, to trade and communicate with all persons with whom trade and communication is prohibited by the trading-with-the-enemy act, subject to certain limitations not material to this discussion. War Trade Board ruling 814, published July 20, 1919, amends the ruling of July 14 to a certain extent, but not so far as concerns the subject matter of this inquiry. The real result of the publishing of this bulletin is the resumption of trade and communication with persons residing in Germany and also with all persons with whom trade and communication was prohibited by the trading-with-the-enemy act. The issuance of the general license is the machinery whereby this is accomplished.

It is quite clear, therefore, that the War Trade Board bulletin, which is very broad in its language, permits the sale of all War Department materials to Germans. It follows, therefore, that both the director of sales and the United States Liquidation Commission are authorized to make sales of War Department materials to Germans.

I am inclosing herewith for your information a copy of the War Trade bulletin entitled "Resumption of trade with Germany," dated July 14, this year, and an amendment thereto dated July 20. I trust that this satisfactorily answers your question.

Very truly, yours,

CHESTER W. CUTHELL,
Special Representative of the Secretary of War.

If we are still at war with Germany, one wonders why the officials of the American Army are selling our supplies to the people with whom we are still at war.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That all orders for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa:

Page 63, line 20, strike out all after the word "otherwise" and insert: "That all orders or contracts for manufacture of material pertaining to approved projects heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders placed with commercial manufacturers, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers."

Mr. GARRETT. Mr. Chairman, I reserve a point of order on that.

Mr. HULL of Iowa. I hope the gentleman will not insist on his point of order.

Mr. GARRETT. I did not catch the reading of it. Will the gentleman explain it?

Mr. HULL of Iowa. The amendment is simply to clarify the language in the bill. It strikes out the paragraph as it is in the bill and inserts a new paragraph, which has the approval of the committee. It is offered as a committee amendment. It has the approval of the Ordnance Bureau, of the War Department, and of the Secretary of War. It simply permits the arsenals or Government-owned factories to be placed on a parity with private manufacturers in the production of materials for the War Department. It is intended to be an economical step and to save the Government hundreds of thousands and even millions of dollars of money.

Mr. WALSH. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. WALSH. How does this compare with the language in the fortifications bill passed here the other day?

Mr. HULL of Iowa. It is practically the same language as that in the fortification bill.

Mr. WALSH. Practically the same—why should it not be identical?

Mr. HULL of Iowa. Because the paragraph in the bill was copied from the fortifications bill, and in the fortifications bill they use the words "which are chargeable to armament and fortification appropriations." This simply makes it read right for the fortification, but it does cover the Army bill as we are passing it, so the wording in the bill is to be struck out and this amendment substituted in order that it shall apply properly to this Army bill.

Mr. GARD. I understood the gentleman to say that the adoption of this proposed amendment would save hundreds of thousands and millions of dollars a year?

Mr. HULL of Iowa. Yes.

Mr. GARD. Can the gentleman inform us with greater accuracy than that how much it will save?

Mr. HULL of Iowa. I can not say, because they are just starting in to do this work. You have never had a system by which the arsenals would produce all the things that the War Department needs.

Mr. GARD. It is a very valuable amendment if it will save hundreds of thousands and millions of dollars a year.

Mr. HULL of Iowa. They have saved over a million dollars in the last six months by doing this very thing, which can be shown by official figures. It will not only save millions but hundreds of millions of dollars in the future, because if you carry this out, when another war comes on you will have something to fight the war with and not be forced to spend billions to get munitions with which to fight.

Mr. GARD. In view of the gentleman's statement I am willing to try it once.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment of Mr. HULL of Iowa was agreed to.

Mr. CRAGO. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO for the committee: Page 63, after the amendment just adopted, add a new paragraph, as follows:

"Transportation of wounded and otherwise disabled soldiers, sailors, or marines when traveling on furlough.

"The Secretary of War and the Secretary of the Navy, under such regulations and restrictions as they may provide, are hereby authorized to issue to all wounded and otherwise disabled soldiers, sailors, or marines under treatment in any Army, Navy, or other hospital, who are given furloughs at any time, a furlough certificate, which certificate shall be signed by the commanding officer at such hospital. This furlough certificate when presented by such furloughed soldier, sailor, or marine to the agent of any railroad or steamship company over whose lines said soldier, sailor, or marine may travel to and from his home during the furlough period shall entitle said soldier, sailor, or marine to purchase a ticket from the point of departure to point of destination and return at the rate of 1 cent per mile, and on presentation of such certificate on which such ticket has been issued the railroad or steamship company issuing such ticket shall be entitled to receive from the Treasury of the United States the difference between the amount paid for such ticket at the rate of 1 cent per mile and the regular scheduled rate for such ticket.

"The sum of \$250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated for the purpose of carrying out the provisions of this paragraph."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to return to page 14 of the bill, for the purpose of offering a committee amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 14 of the bill for the purpose of offering a committee amendment.

Mr. KEARNS. Mr. Chairman, reserving the right to object, I want to say to the Chair and the committee that I have an amendment to offer on page 63. By returning to page 14 I want it understood that I am not to lose my right to offer my amendment.

Mr. WALSH. The gentleman would, unless he got unanimous consent.

Mr. GARD. Reserving the right to object, let us hear read the amendment to be offered by the gentleman from California.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Page 14, line 22, after the word "officers," strike out the words "mine planter service."

Mr. KAHN. I want to say that in view of the fact that the gentleman from Ohio [Mr. KEARNS] desires to offer an amendment on page 63 of the bill, I will withhold my unanimous-consent request until his amendment can be offered.

The CHAIRMAN. The gentleman from Ohio will send his amendment to the desk.

Mr. KEARNS. My amendment is, on page 63, line 7, after the word "work," strike out the semicolon and insert a period and strike out all that follows, down to and including line 11.

Mr. KAHN. We have passed that paragraph.

Mr. KEARNS. I ask unanimous consent to offer the amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to offer his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 7, after the word "work," strike out the semicolon and insert a period and strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. KAHN. Now, Mr. Chairman, I ask unanimous consent to return to page 14 for the purpose of offering the amendment which has been reported.

The CHAIRMAN. Is there objection to the request of the gentleman from California to return to page 14 for the purpose of offering the amendment which has been reported?

Mr. GARD. Reserving the right to object, the gentleman's motion is to strike out the words "mine planter service."

Mr. KAHN. Yes; and the reason is this: Under the reorganization bill about 1,500 warrant officers are provided for. We have only about 120 warrant officers in the service at present. The appropriation contemplates the passage of the Army reorganization bill before the beginning of the fiscal year, and this would limit it to those in the mine-planter service.

Mr. GARD. This appropriation would be much too large.

Mr. KAHN. Yes; unless the reorganization bill is passed, and we confidently expect that the bill will be passed, so that it can take effect at the beginning of the fiscal year.

Mr. GARD. This is to take care of the increase provided for in the reorganization bill?

Mr. KAHN. Yes.

Mr. CANNON. Does the gentleman from California think it is the proper way to proceed to presume that legislation will be enacted and that it will make it necessary to spend a million dollars?

Mr. KAHN. I want to say to the gentleman from Illinois that in preparing the appropriation bill the committee took into consideration in many instances provisions of law in the Army reorganization bill and saved money by doing it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to return to page 40, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 40 for the purpose of offering an amendment. Is there objection?

Mr. MADDEN. Mr. Chairman, I object.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13587, the Army appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FIELDS. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FIELDS. I am not.

The SPEAKER. Does any Member who is opposed to the bill desire to offer a motion to recommit? If not, the Chair recognizes the gentleman from Kentucky. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FIELDS moves to recommit the bill to the Committee on Military Affairs with instructions that it report the same back forthwith with the following amendment:

"Provided, That no part of the funds herein appropriated shall be expended in payment of the salary of any officer of the Army of the United States who shall issue, or cause to be issued, any order, written or verbal, preventing social intercourse between officers and enlisted men of said Army while not on military duty, when such order was not authorized by law, or general Executive order: *Provided further*, That this limitation shall not apply to an officer who shall have acted in obedience to the mandates of his superior."

Mr. KAHN. Mr. Speaker, I make the point of order against the motion to recommit.

Mr. FIELDS. Mr. Speaker, I will ask the gentleman to state the point of order.

Mr. KAHN. Mr. Speaker, this matter was offered in Committee of the Whole as an amendment to the pending bill. The point of order was made upon the amendment being offered, and the Chairman of the committee declared that the amendment was not in order. I submit that it is new legislation, that it is not germane to the bill, and is clearly subject to the point of order.

Mr. FIELDS. Mr. Speaker, I desire to be heard. The gentleman is entirely wrong. This is not the proposition that was offered yesterday. This proposition eliminates the feature upon which the ruling of the Chair on yesterday was based. This provides a limitation upon an officer only to the extent that it prohibits him from issuing an order when such an order is not authorized by law or by general executive order. The amendment yesterday was not drawn in that form. The amendment provided a limitation or inhibition against the issuing of such an order, regardless of law or regulation, but that feature has been eliminated from this motion to recommit.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. GREENE of Vermont. Does the gentleman offer this as a limitation on the appropriation?

Mr. FIELDS. I do.

Mr. GREENE of Vermont. How does the gentleman define the extent of the limitation when it is in such nebulous words as "social intercourse"? What is the definite, fixed, and particular basis of it?

Mr. FIELDS. If we get this in, we can fix a process for defining it.

Mr. GREENE of Vermont. But I do not want to get it in until it is fixed.

Mr. FIELDS. The Comptroller of the Treasury will pass on it.

Mr. GREENE of Vermont. We do not want to get this in until we know what it means.

Mr. FIELDS. We want to prevent this pernicious practice in the Army of officers posting up notices here and there that will prevent privates from attending church or a theater or a public gathering because an officer happens to be there. That is the object of this amendment.

That practice is pernicious, undemocratic, and has no place in the Military Establishment or any other establishment of this country.

Mr. MADDEN. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order.

Mr. FIELDS. I am answering the gentleman's question.

Mr. GREENE of Vermont. I am trying to get at what the gentleman wants in here that is definite legislation.

Mr. FIELDS. The gentleman propounds a question and the gentleman would not deprive me of the privilege of answering it, would he?

Mr. GREENE of Vermont. The point about the thing, to my mind, is that if you are going to have a limitation upon the expenditure of money, the limitation ought to be definite enough so as to be understood, and if anyone can explain what there may be about the words "social intercourse" to establish a definite premise for a limitation upon the expenditure of money, I would like to know what it is.

Mr. LONGWORTH. Does the Chair care to hear any further argument in support of the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. LONGWORTH. Mr. Speaker, it is impossible to distinguish, it seems to me, this amendment offered in the form in which it is offered and the one in which it was offered yesterday. Under the guise of a limitation, it is a change of existing law. While it may not specifically change existing law, it does limit the discretion of an officer who is given that discretion by existing law. This precise point was argued yesterday and ruled upon by the Chair, the Chair thereby overruling the decision of a former occupant of the chair, so that the Speaker in this case, while overruling the decision of a former occupant, will be sustaining the decision of a very recent occupant. I think, Mr. Speaker, that a perusal of this amendment will show that it absolutely limits the discretion granted by law to certain officers, and therefore it is not a limitation.

Mr. FIELDS. It specifically states when not authorized by law.

Mr. LONGWORTH. It is not a limitation in the proper sense at all. It is the kind of attempt that is indulged in frequently to get legislation of some sort upon an appropriation bill. I think it is one of the vices of this House that legislation on appropriation bills should be permitted except in the most rare

instances. There are two forms that are usually used, one under the so-called Holman rule, and one under the so-called limitation rule. This amendment offered by the gentleman is not a limitation at all but specific instructions as to how an officer shall fulfill his duty, and hence the point of order made by the gentleman from California is good.

The SPEAKER. It is not the province of the Chair to rule as to the wisdom of a provision. This motion, as the Chair sees it, simply provides that no funds shall be used for the payment for the salary of an officer who shall issue an order which is not authorized by law or by Executive order. It might appear that inasmuch as an officer had no right to issue such an order, any such provision was superfluous and useless. But the Chair has nothing to do with the wisdom or effect of the motion, but only considers whether it is in order, and presumes the gentleman from Kentucky has presented the motion in this form in order to avoid the decision of yesterday by the Chairman of the Committee of the Whole House on the state of the Union. Whether or not the amendment as now drawn will have any effect, the Chair does not see how this is subject to the point of order, inasmuch as it simply says that an officer shall not perform an act which he is not authorized by law to perform. This relieves it of the objection made in committee and sustained by the Chairman then. So the Chair overrules the point of order. The question is on the motion of the gentleman.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. FIELDS. Division, Mr. Speaker.

The House divided; and there were—yeas 34, yeas 56.

Mr. FIELDS. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARRETT. Will the gentleman withhold that for a moment?

Mr. FIELDS. If I do not lose my rights.

Mr. GARRETT. The gentleman will have the right always to make the point of no quorum later. I would like to suggest to the gentleman from Kentucky that the gentleman from Kansas [Mr. CAMPBELL] has a proposition that he desires to bring up for the accommodation of the Speaker, I will say, and if an arrangement can be made whereby the gentleman—of course the previous question has been ordered—can have unanimous consent to make such an arrangement—

Mr. GALLIVAN. Mr. Speaker, I am sorry, but I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present.

Mr. FIELDS. I am willing for the accommodation of the gentleman to withhold my motion if I shall not lose my right.

Mr. GALLIVAN. Mr. Speaker, I beg pardon; I withdraw it.

APPOINTMENT OF A SPEAKER PRO TEMPORE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to offer a privileged resolution at this time.

The SPEAKER. The gentleman from Kansas asks unanimous consent to offer a privileged resolution. Is there objection?

Mr. GARNER. Mr. Speaker, let us have it reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 524.

Resolved, That section 7 of Rule I be amended so as to read: "He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days."

Mr. CAMPBELL of Kansas. Mr. Speaker, at present the rules of the House provide that the Speaker may designate any Member of the House to perform the duties of the Chair over one legislative day, or over one adjournment. This provides that that substitution may be made for three days. It is unanimously reported from the Committee on Rules and is for the accommodation of the Speaker. I think it is a wise provision to make in the rules.

Mr. GARD. It is a change in the written rules of the House. Do I understand you to say that it is a unanimous report?

Mr. CAMPBELL of Kansas. It is.

Mr. RAYBURN. Is it for three days or any time?

Mr. CAMPBELL of Kansas. It is a permanent change in the rules—to substitute three days for one day in the rules of the House.

Mr. RAYBURN. It is a good idea, of course.

Mr. CAMPBELL of Kansas. The matter has been under consideration by the Committee on Rules for a considerable time.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. GARRETT. Mr. Speaker, may I have unanimous consent for a minute?

The SPEAKER. The gentleman from Tennessee asks unanimous consent for a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. I think that in order to avoid any possible confusion in the future touching the matter that has just passed the House, perhaps it would be well for the Members to understand that all that was asked by the Speaker and all that this change in the rules proposes to authorize is simply the appointment of an occupant of the chair for three legislative days unless the Speaker should sooner return. That will not authorize, as the Committee on Rules construed it, the signing of bills or resolutions or performing other functions of the Chair than the presiding functions without a special resolution of the House of Representatives.

Mr. DUPRE. Mr. Speaker, does the gentleman from Kansas [Mr. CAMPBELL] agree to that interpretation?

Mr. CAMPBELL of Kansas. The "gentleman from Kansas" certainly does; yes. [Laughter.]

MILITARY APPROPRIATIONS.

The SPEAKER. The gentleman from Kentucky makes the point that there is no quorum present. Evidently no quorum is present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. The question is on the motion to recommit. The Clerk will call the roll.

The question was taken; and there were—yeas 162, yeas 105, answered "present" 1, not voting 159, as follows:

YEAS—162.

Ashbrook	Ferris	Loneragan	Rubey
Aswell	Fields	McDuffie	Rucker
Ayres	Focht	McGlennan	Sanders, La.
Babka	Foster	McKeown	Sherwood
Barbour	Frear	McKiniry	Sinclair
Barkley	French	McLane	Sisson
Bee	Gallivan	Major	Small
Bland, Ind.	Gandy	Mann, S. C.	Stephens, Ohio
Bland, Mo.	Gard	Mays	Stoll
Bland, Va.	Garner	Mead	Strong, Kans.
Blanton	Garrett	Miller	Summers, Tex.
Bowers	Goodykoontz	Milligan	Sweet
Briggs	Harrison	Minahan, N. J.	Tague
Browne	Hastings	Monahan, Wis.	Taylor, Ark.
Buchanan	Haugen	Moon	Taylor, Colo.
Byrnes, S. C.	Hayden	Moore, Ohio	Thomas
Byrns, Tenn.	Hersman	Mudd	Thompson
Caldwell	Holland	Murphy	Tillman
Campbell, Pa.	Huddleston	Neely	Tincher
Candler	Hudspeth	Nelson, Mo.	Tinkham
Cars	Hull, Tenn.	O'Connell	Upshaw
Carter	Humphreys	O'Connor	Venable
Clark, Mo.	Jacoway	Ogden	Vinson
Cleary	James	Oldfield	Voigt
Coady	Johnson, Ky.	Oliver	Watkins
Cole	Johnson, Miss.	Overstreet	Weaver
Connally	Jones, Tex.	Padgett	Welling
Cooper	Kearns	Park	Welty
Cullen	Keller	Parrish	Whaley
Davey	Kettner	Quin	Wheeler
Davis, Tenn.	Kincheloe	Rainey, H. T.	White, Kans.
Dent	King	Rainey, J. W.	Wilson, La.
Dickinson, Mo.	Kinkaid	Raker	Wilson, Pa.
Donovan	Klecza	Ramseyer	Wingo
Doughton	Lanham	Randall, Calif.	Woods, Va.
Dowell	Lankford	Rayburn	Wright
Dunbar	Lazaro	Ricketts	Yates
Dupré	Lee, Ga.	Riordan	Young, N. Dak.
Egan	Leshner	Robison, Ky.	Young, Tex.
Emerson	Linthicum	Romjue	
Evans, Mont.	Little	Rouse	

NAYS—105.

Ackerman	Dickinson, Iowa	Jefferis	Newton, Minn.
Anderson	Edmonds	Kahn	Newton, Mo.
Andrews, Nebr.	Elliott	Knutson	Nichols, Mich.
Anthony	Elston	Kraus	Olney
Benham	Esch	Lampert	Osborne
Boles	Evans, Nebr.	Lehlbach	Paige
Brooks, Ill.	Fairfield	Luce	Parker
Brooks, Pa.	Fess	Luhning	Purnell
Burdick	Fisher	McArthur	Radcliffe
Burroughs	Fordney	McKenzie	Reber
Butler	Good	McLaughlin, Mich.	Reed, N. Y.
Campbell, Kans.	Graham, Ill.	McLaughlin, Nebr.	Riddick
Cannon	Greene, Mass.	McPherson	Rogers
Christopherson	Greene, Vt.	MacCrate	Rowe
Clason	Hadley	Madden	Sanders, Ind.
Copley	Hardy, Colo.	Magee	Sanders, N. Y.
Crago	Hawley	Mapes	Sanford
Currie, Mich.	Hernandez	Merritt	Scott
Dale	Hickey	Michener	Sinnot
Dallinger	Hoch	Mondell	Smith, Idaho
Darrow	Houghton	Moore, Ind.	Steenerson
Davis, Minn.	Hull, Iowa	Morgan	Stiness
Dempsey	Ireland	Mott	Summers, Wash.

Temple	Treadway	Walters	Zihlman
Tilson	Vestal	Wason	
Timberlake	Volstead	Webster	
Towner	Walsh	White, Me.	

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—159.

Almon	Evans, Nev.	Kendall	Rhodes
Andrews, Md.	Flood	Kennedy, Iowa	Robinson, N. C.
Bacharach	Freeman	Kennedy, R. I.	Rodenberg
Baer	Fuller, Ill.	Kiess	Rose
Bankhead	Fuller, Mass.	Kitchin	Rowan
Begg	Gallagher	Kreider	Sabath
Bell	Ganly	Larsen	Schall
Benson	Garland	Layton	Scully
Black	Glynn	Lea, Calif.	Sears
Blackmon	Godwin, N. C.	Longworth	Sells
Booher	Goldfogle	Lufkin	Shrove
Rox	Goodall	McAndrews	Siegel
Brand	Goodwin, Ark.	McClintic	Sims
Brinson	Gould	McCulloch	Slemp
Britten	Graham, Pa.	McFadden	Smith, Ill.
Brumbaugh	Green, Iowa	McKinley	Smith, Mich.
Burke	Griest	MacGregor	Smith, N. Y.
Cantrill	Griffin	Maher	Smithwick
Caraway	Hamill	Mann, Ill.	Snell
Carew	Hamilton	Mansfield	Snyder
Casey	Hardy, Tex.	Martin	Steagall
Chindblom	Harrell	Mason	Stedman
Clark, Fla.	Hays	Montague	Steele
Collier	Hedlin	Mooney	Stephens, Miss.
Costello	Hersey	Moore, Va.	Stevenson
Cramton	Hicks	Morin	Strong, Pa.
Crisp	Hill	Nelson, Wis.	Sullivan
Crowther	Hoey	Nicholls, S. C.	Swope
Curry, Calif.	Howard	Nolan	Taylor, Tenn.
Denison	Hulings	Pell	Vaile
Dewalt	Husted	Peters	Vare
Domnick	Hutchinson	Phelan	Ward
Dooling	Igoe	Platt	Watson
Doremus	Johnson, S. Dak.	Porter	Williams
Drane	Johnson, Wash.	Pou	Wilson, Ill.
Dunn	Johnston, N. Y.	Rainey, Ala.	Winslow
Dyer	Jones, Pa.	Ramsey	Wise
Eagle	Juul	Randall, Wis.	Wood, Ind.
Echols	Kelley, Mich.	Reavis	Woodyard
Ellsworth	Kelly, Pa.	Reed, W. Va.	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.
 Mr. RODENBERG with Mr. BELL.
 Mr. MANN of Illinois with Mr. DEWALT.
 Mr. CURRY of California with Mr. DRANE.
 Mr. SHREVE with Mr. CARAWAY.
 Mr. WARD with Mr. GALLAGHER.
 Mr. GRAHAM of Pennsylvania with Mr. STEELE.
 Mr. BACHARACH with Mr. SCULLY.
 Mr. DENISON with Mr. BANKHEAD.
 Mr. CHINDBLOM with Mr. HEFLIN.
 Mr. BEGG with Mr. CRISP.
 Mr. DYER with Mr. BOOHER.
 Mr. WOODYARD with Mr. ALMON.
 Mr. GARLAND with Mr. GOODWIN of Arkansas.
 Mr. LANGLEY with Mr. CLARK of Florida.
 Mr. WOOD of Indiana with Mr. BENSON.
 Mr. ANDREWS of Maryland with Mr. WISE.
 Mr. RHODES with Mr. IGOE.
 Mr. WINSLOW with Mr. BLACK.
 Mr. FREEMAN with Mr. HOEY.
 Mr. WILLIAMS with Mr. SIMS.
 Mr. FULLER of Illinois with Mr. GANLY.
 Mr. GLYNN with Mr. SABATH.
 Mr. WATSON with Mr. BOX.
 Mr. DUNN with Mr. HARDY of Texas.
 Mr. VARE with Mr. BRAND.
 Mr. CROWTHER with Mr. JOHNSTON of New York.
 Mr. MASON with Mr. HOWARD.
 Mr. BURKE with Mr. CASEY.
 Mr. JUUL with Mr. LARSEN.
 Mr. MORIN with Mr. RAINEY of Alabama.
 Mr. KREIDER with Mr. GRIFFIN.
 Mr. GOODALL with Mr. MAHER.
 Mr. ECHOLS with Mr. COLLIER.
 Mr. KELLY of Pennsylvania with Mr. MOONEY.
 Mr. ELLSWORTH with Mr. LEA of California.
 Mr. KENNEDY of Rhode Island with Mr. MARTIN.
 Mr. COSTELLO with Mr. SMITHWICK.
 Mr. MCKINLEY with Mr. POU.
 Mr. GRIEST with Mr. CANTRELL.
 Mr. JOHNSON of South Dakota with Mr. BRINSON.
 Mr. SEGEL with Mr. ROWAN.
 Mr. LUFKIN with Mr. MANSFIELD.
 Mr. HULINGS with Mr. STEAGALL.
 Mr. LAYTON with Mr. NICHOLLS of South Carolina.

Mr. NELSON of Wisconsin with Mr. MONTAGUE.
 Mr. HUSTED with Mr. MCCLINTIC.
 Mr. MCCULLOCH with Mr. PELL.
 Mr. SNELL with Mr. PHELAN.
 Mr. REAVIS with Mr. SULLIVAN.
 Mr. PLATT with Mr. SEARS.
 Mr. KIESS with Mr. SMITH of New York.
 Mr. ROSE with Mr. STEVENSON.
 Mr. KENDALL with Mr. MCANDREWS.
 Mr. RAMSEY with Mr. BRUMBAUGH.
 Mr. JOHNSON of Washington with Mr. CAREW.
 Mr. HARRELD with Mr. DOMINICK.
 Mr. JONES of Pennsylvania with Mr. ROBINSON of North Carolina.

Mr. HICKS with Mr. STEPHENS of Mississippi.

Mr. HERSEY with Mr. STEDMAN.

Mr. PORTER with Mr. GODWIN of North Carolina.

Mr. REED of West Virginia with Mr. HAMILL.

Mr. PETERS with Mr. DOREMUS.

Mr. HUTCHINSON with Mr. EAGLE.

Mr. STRONG of Pennsylvania with Mr. EVANS of Nevada.

Mr. TAYLOR of Tennessee with Mr. MOORE of Virginia.

Mr. SNYDER with Mr. BLACKMON.

Mr. SLEMP with Mr. FLOOD.

Mr. SMITH of Michigan with Mr. GOLDFOGLE.

Mr. CRAMTON with Mr. DOOLING.

Mr. LANGLEY. Mr. Speaker, I wish to inquire if my colleague [Mr. CLARK of Florida] voted?

The SPEAKER. He did not.

Mr. LANGLEY. I am paired with him. He is absent on account of illness. I therefore desire to answer as "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. KAHN. Mr. Speaker, I desire to report the Army appropriation bill with the amendment that has just been adopted by the House, and on that I move the previous question.

The SPEAKER. The gentleman from California reports back the Army appropriation bill with the amendment which has just been adopted, and on that he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 13, 1920:

H. R. 6773. An act for the relief of Albert C. Burgess; and
 H. R. 12711. An act to amend the act approved December 23, 1913, known as the Federal reserve act.

On April 14, 1920:

H. R. 685. An act for the relief of Frank S. Ingalls;
 H. R. 687. An act for the relief of Frank Pinkley;
 H. R. 1275. An act for the relief of W. L. Rose; and
 H. R. 6413. An act granting the sum of \$549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy yard.

On April 15, 1920:

H. R. 202. An act to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain-described tract of land for public-park purposes;
 H. R. 5213. An act for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah;

H. R. 6136. An act authorizing the Secretary of the Interior to sell certain lands to school district No. 21, of Fremont County, Wyo.;

H. R. 6772. An act authorizing and directing the transfer approximately of 10 acres of land to rural high-school district No. 1, Lapwai, Idaho; and

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.

On April 16, 1920:

H. R. 3211. An act for the relief of Emma J. Spear;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;
 H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich; and
 H. R. 10207. An act providing for service of process in causes removed from a State or other court to a United States court.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRAND, for 10 days, on account of illness in his family;
 To Mr. HICKS, for six days; and
 To Mr. TAGUE, for three days, on account of important business.

EXTENSION OF REMARKS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD.

Mr. KAHN. Reserving the right to object, upon what subject? Mr. FERRIS. On schools and school-teachers. It is non-political. They are my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

Mr. WALSH. The gentleman already has that.

The SPEAKER. The gentleman has that privilege already.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, April 17, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Naugatuck River, Conn., between the head of navigation at Derby and Waterbury, Conn., with a view to the construction of a barge canal, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co., reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERNANDEZ, from the Committee on the Public Lands, to which was referred the bill (S. 3867) authorizing the State of New Mexico to apply the proceeds of the grant to said State of 1,000,000 acres of land made by section 7 of the enabling act, June 20, 1910, for the reimbursement of Grant County, Luna County, Hidalgo County, Santa Fe County, and the town of Silver City, N. Mex., reported the same without amendment, accompanied by a report (No. 842), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 9825) authorizing any land-grant railroad company or its successors to convey for public-road purposes certain parts of its right of way, reported the same with amendments, accompanied by a report (No. 843), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 12580) authorizing the city of Walters, Okla., to dispose of certain land reserved for public purposes, reported the same with amendments, accompanied by a report (No. 845), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (S. 3119) for the relief of Con Murphy, reported the same without amendment, accompanied by a report (No. 844), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13522) granting a pension to Thomas Thompson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 13645) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for discharged soldiers, sailors, and marines, Army and Navy nurses (male and female), and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 13646) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. TAGUE: A bill (H. R. 13647) granting leave of absence to veterans of any war of the United States to attend State or national conventions of associations or organizations of such veterans; to the Committee on Reform in the Civil Service.

By Mr. HICKS: A bill (H. R. 13648) to create a bureau of aeronautics and a naval air corps in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. ESCH: A bill (H. R. 13649) to amend the Penal Code of the Canal Zone and the navigation rules of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MAPES: A bill (H. R. 13650) to amend "An act for the establishment of a probation system for the District of Columbia," approved January 25, 1910, as amended; to the Committee on the District of Columbia.

By Mr. LANHAM: Joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp, June 24 to 27, inclusive, 1920; to the Committee on Military Affairs.

By Mr. SHERWOOD: Joint resolution (H. J. Res. 337) to include the names of southern military leaders in the inscriptions on the amphitheater at Arlington; to the Committee on the Library.

By Mr. UPSHAW: Joint resolution (H. J. Res. 338) authorizing and directing the Secretary of War to lend tents to cities during the summer months of 1920 to relieve the housing situation; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 13651) for the relief of Alfred B. Andrews; to the Committee on Claims.

By Mr. CHRISTOPHERSON: A bill (H. R. 13652) for the relief of Fred N. Dunham; to the Committee on Claims.

By Mr. COLE: A bill (H. R. 13653) granting an increase of pension to Edward C. Warner; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13654) granting an increase of pension to James Griffey; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 13655) granting an increase of pension to Mary McBride; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 13656) granting a pension to Adolph Specht; to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 13657) granting a pension to Robert H. Wilcox; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13658) granting an increase of pension to Disia Stamper; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 13659) granting a pension to Charles Blaker; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 13660) granting an increase of pension to Emory E. Flowers; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13661) granting an increase of pension to James W. Bird; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 13662) for the relief of Stanley Mitchell; to the Committee on Naval Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13663) granting a pension to Susan L. Shew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) granting a pension to John English, jr.; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2986. By Mr. BROWNE: Petition of sundry citizens of Wild Rose and Spencer, Wis., protesting against compulsory military training; to the Committee on Military Affairs.

2987. By Mr. BURROUGHS: Resolution of Berlin Central Labor Union, by Edw. J. Legassie, recording secretary, urging passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

2988. By Mr. CULLEN: Petition of the business men's national tax committee of New York City, favoring the repeal of certain sections of the revenue laws; to the Committee on Ways and Means.

2989. Also, petition of Signal Post No. 343, American Legion, New York City, favoring the passage of the Wadsworth bill; to the Committee on Military Affairs.

2990. By Mr. ESCH: Petition of the Long Island Society, Daughters of the Revolution, favoring issue of a 2-cent coin bearing medallion of Theodore Roosevelt; to the Committee on Coinage, Weights, and Measures.

2991. By Mr. GALLIVAN: Petition of Joseph Toomey, adjutant, and 500 other members of Michael J. Perkins Post, No. 67, of the American Legion, favoring the cash bonus for ex-service men of the World War; to the Committee on Ways and Means.

2992. Also, petition of the New England Cotton Buyers' Association, protesting against the so-called Comer amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

2993. Also, petition of George F. Daly and eight other employees of Seaman & Cobb Co., Boston, Mass., favoring cash bonus for ex-service men; to the Committee on Ways and Means.

2994. Also, petition of Tri-Mountain Garrison No. 98, Army and Navy Union, favoring passage of Shreve bill, providing for care, etc., of the naval brig *Niagara*; to the Committee on Naval Affairs.

2995. Also, petition of the Sulpho-Naphthol Co., of Boston, Mass., favoring 1-cent postage for drop letters; to the Committee on the Post Office and Post Roads.

2996. Also, petition of the Atlantic Dyestuff Co., of Boston, Mass., opposing the passage of H. R. 12646; to the Committee on Banking and Currency.

2997. Also, petition of the Automobile Legal Association of Boston, Mass., protesting against the rise in the price in gasoline; to the Committee on the Judiciary.

2998. Also, petition of the Brown-Durrell Co., of Boston, Mass., regarding the Stevenson bill, H. R. 10835; to the Committee on Military Affairs.

2999. Also, petition of N. J. Rely & Co., of Boston, Mass., opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

3000. Also, petition of American Unity Post, No. 22, American Legion, of Chicago, Ill., favoring compensation for ex-service persons; to the Committee on Ways and Means.

3001. By Mr. JOHNSTON of New York: Petition of the National Guard Association of the State of New York, relative to the reorganization of the National Guard, etc.; to the Committee on Military Affairs.

3002. Also, petition of Local Union No. 10, A. L. G. C., of New York City, urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3003. By Mr. KINKAID: Petition of W. E. Magnuson and 16 other citizens of Arnold, Nebr., protesting against universal military training, etc.; to the Committee on Military Affairs.

3004. By Mr. LONERGAN: Petition of the Connecticut Retail Jewelers' Association, favoring the repeal of the excise tax on jewelry, etc.; to the Committee on Ways and Means.

3005. By Mr. McGLENNON: Petition of Phoenix Lodge, No. 315, International Association of Machinists, Washington, D. C.; Silk City Lodge, No. 188, International Association of Machinists, Paterson, N. J.; and Plainfield Lodge, No. 167, International Association of Machinists, Plainfield, N. J., urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3006. Also, petition of New York Harbor Lodge, No. 1067, B. R. C. of America, relative to the peace treaty with Germany, etc.; to the Committee on Foreign Affairs.

3007. Also, petition of Greater New York Cut Stone Contractors' Association, Harrison, N. J., relative to the car shortage, etc.; to the Committee on Interstate and Foreign Commerce.

3008. Also, petition of International Jewelry Workers' Union, Local No. 2, opposed to the Sterling-Graham bill, etc.; to the Committee on the Judiciary.

3009. By Mr. HENRY T. RAINEY: Petition of sundry citizens of Meredosia, Ill., opposing the sanitary district being allowed to turn any more water into the Illinois River than they are now turning therein; to the Committee on Rivers and Harbors.

3010. By Mr. REED of West Virginia: Petition of A. T. Jones, J. W. Messenger, E. L. Bennett, and 120 others, protesting against the adoption of compulsory military training; to the Committee on Military Affairs.

3011. By Mr. ROWAN: Petition of Sidney E. Morse, also B. F. Bailey & Co., of New York, urging the defeat of House bill 12379; to the Committee on Banking and Currency.

3012. Also, petition of J. W. D. Grant, manager of the New Success, of New York, opposing House bill 12976; to the Committee on Ways and Means.

3013. Also, petition of Joseph Blumenthal, of New York City, opposing the bonus for the ex-service men and women of the World War, excepting the wounded soldiers; to the Committee on Ways and Means.

3014. Also, petition of Dannan & Kemp Co., New York City, relative to the excess-profit tax, etc.; to the Committee on Ways and Means.

3015. Also, petition of the Federal Council of the Church of Christ of America, relative to the Turk and other foreign questions; to the Committee on Foreign Affairs.

3016. Also, petition of Brisbane C. Ash, president of the Sioux Falls (S. Dak.) Live Stock Exchange, relative to the Bureau of Animal Industry; to the Committee on Agriculture.

3017. Also, petition of the American Association for Labor Legislation, New York City, urging the passage of the Sterling-Lehlbach retirement bill, etc.; to the Committee on Reform in the Civil Service.

3018. Also, petition of the business men's national tax committee of New York City, favoring the repeal of certain sections of the revenue laws; to the Committee on Ways and Means.

3019. Also, Petition of the Aeolian Co. of New York, favoring the repeal of the Lever law; to the Committee on Agriculture.

3020. Also, petition of Local Union No. 10, A. L. G. C., of New York City, urging the passage of Senate bill 1233, also Senate joint resolution 171; to the Committee on the Judiciary.

3021. Also, petition of the National Federation of Federal Employees, Washington, D. C., relative to the Bureau of Efficiency; to the Committee on Appropriations.

3022. Also, petition of the National Civic Federation, New York City, protesting against the recognition of the Bolshevik Government of Russia by the United States; to the Committee on Foreign Affairs.

3023. By Mr. SNYDER: Petition of Polish residents of Rome, N. Y., protesting against deprivation by foreign-language newspapers in the matter of second-class postal rates; to the Committee on the Post Office and Post Roads.

3024. By Mr. TAGUE: Petition of the Union Twist Drill Co., of Athol, Mass., opposing H. R. 12379; to the Committee on Banking and Currency.

3025. Also, petition of the Women's Educational and Industrial Union, of Boston, Mass., urging the passage of H. R. 1540; to the Committee on Ways and Means.

3026. Also, petition of the National Federation of Federal Employees, Washington, D. C., relative to certain provisions in House bill 12610; to the Committee on Appropriations.

3027. Also, petition of Ludlow Post, No. 52, American Legion, Ludlow, Mass., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3028. By Mr. TINKHAM: Petition of St. Brendan Society, regarding England's treatment of Ireland; to the Committee on Foreign Affairs.

3029. Also, petition of Roger Casement Branch, Friends of Irish Freedom, urging Congress to abrogate all treaties with England; to the Committee on Foreign Affairs.

3030. By Mr. VAILE: Petition of the Denver Civic and Commercial Association, Denver, Colo., urging adequate compensation to Government employees; to the Committee on Appropriations.

3031. By Mr. WELTY: Petition of Mrs. Howard Amos et al., favoring parole of Federal prisoners; to the Committee on the Judiciary.

SENATE.

SATURDAY, April 17, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to come to the tasks of this day with the inspiration of Thy name in our hearts, and to discharge the duties of the day with the power that comes to us with the touch of God upon our lives. May we not forget our divine obligations to-day. May we ever be lifting our hearts toward Thee. Abide with us as our guide and counselor and friend. May the work of the day advance the interests of the kingdom of righteousness and peace among men. We ask it for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., April 17, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

Mr. SMOOT thereupon took the chair as Presiding Officer for the day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 15, 1920, when, on request of Mr. WADSWORTH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 1005. An act for the relief of the owner of the steamship *Matoa*; and

S. 1222. An act for the relief of the owners of the schooner *Henry O. Barrett*.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a memorial from the executive council of the National Civic Federation, New York City, comprised of Alton B. Parker, president; Samuel Gompers, vice president; V. Everit Macy, treasurer; Ralph M. Easley, chairman executive council; John Hays Hammond, commercial department, regulation of industrial corporations; William Jay Schieffelin, chairman committee on national defense; Louis A. Coolidge, chairman welfare department; Francis R. Mayer, chairman industrial training department; Miss Maud Wetmore, chairman woman's department; Louis B. Schram, chairman industrial accidents prevention department; A. J. Porter, chairman minimum wage commission; August Belmont, chairman workmen's compensation department; Warren S. Stone, chairman social insurance department; Emerson McMillin, chairman department for the regulation of public utilities; George W. Perkins, chairman department on profit sharing; Vincent Astor, chairman food and drugs department; Jeremiah W. Jenks, chairman department on industrial mediation; Talcott Williams, chairman industrial economics department; William R. Wilcox, chairman department on pensions; Gertrude Beeks Easley, sec-

retary executive council; and D. L. Cease, secretary the National Civic Federation, remonstrating against the recognition of the Russian Soviet Government by the Government of the United States. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. RANSDELL presented a petition of sundry citizens of New Orleans, La., praying for the repeal of the so-called Volstead law, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Pittsford, Vt., praying for the recognition of the republic of Ireland, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of sundry veterans of the Spanish-American War, inmates of the Soldiers' Home, Sawtelle, Calif., praying for the passage of the so-called Sells bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, which was ordered to lie on the table.

He also presented a petition of Sebastopol Post, No. 39, American Legion, of Sebastopol, Calif., praying for the passage of the so-called Davey sedition bill, which was ordered to lie on the table.

Mr. CAPPER presented a petition of the Birchdale Farmers' Union, of Sauk Center, Minn., praying for the enactment of legislation providing for collective bargaining, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4238) relating to street car fares in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 4239) providing for the reclassification of the hull and boiler inspectors of the collection district comprising Portland, Oreg.; to the Committee on Commerce.

By Mr. NUGENT:

A bill (S. 4240) granting an increase of pension to Byron Cuppernull (with accompanying papers);

A bill (S. 4241) granting a pension to Thomas B. Beall; and

A bill (S. 4242) granting a pension to Delphine Chapin (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4243) to extend the provisions of the retirement law for the Lighthouse Service to include Joseph P. Groux, former keeper of the Chefuncte River Range Light Station, Louisiana; to the Committee on Commerce.

A bill (S. 4244) authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands; to the Committee on Public Lands.

By Mr. HALE:

A bill (S. 4245) granting an increase of pension to James S. Pendergast (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 4246) granting a pension to William B. Lewis (with accompanying papers); and

A bill (S. 4247) granting a pension to Edgar L. Thompson; to the Committee on Pensions.

THE MEXICAN SITUATION.

Mr. SMITH of Arizona. Mr. President, my colleague and I have received telegrams touching the Mexican situation. I should like to read one to the Senate.

It is as follows:

Associated Press dispatch states request made to Washington that Mexican troops be allowed transportation through Arizona. Granting that request will be against interest of United States and Americans in Mexico. We urge you make every effort to prevent Mexican troop movement through Arizona.

NOGALES CHAMBER OF COMMERCE.

Mr. President, I am heartily in sympathy with the Nogales Chamber of Commerce which sends this dispatch to us.

I shall take only a minute. In the investigations on the border we found that in every particular the Carranza government has stood against every interest of the United States. While he has been guarding the border with his own men he has never returned a single one who has committed a depredation in the United States who has gotten across into Mexico. His own soldiers in his own uniform were killed in committing depredations in our country, and now the request is made of the United States to be permitted to send troops through the State of Arizona to assail the only one of the States of the Republic of Mexico that has been apparently in any sympathy